ONTARIO LABOUR RELATIONS BOARD

ANNUAL REPORT

1999-2000

Ontario

ONTARIO LABOUR RELATIONS BOARD

Submitted to the
LIEUTENANT GOVERNOR IN COUNCIL
Date: September 19 2001

Chair R. O. MacDOWELL
Alternate Chair M. E. CUMMINGS

Vice-Chairs

C. ALBERTYN
A. BROWN
P. CHAPMAN
H. FREEDMAN
D. GEE
R. GOODFELLOW
B. HERLICH
P. KELLY
J. LEWIS
D. McKEE
B. McLEAN
G. MISRA
M. NAIRN
C. ROWAN
T. SARGEANT
M. SILVERMAN
I. STAMP
L. TRACHUK
K. WHITAKER

Members

A. HAWARD
J. KNIGHT
G. McMENEMY
R. R. MONTAGUE
D. A. PATTERSON
H. PEACOCK
G. A. PICKELL
J. A. RONSON
J. RUNDLE

Director/Registrar Tim Parker
Deputy Registrar P. M. Grenier

Board Solicitors

R. N. LEBI
V. STELMASZYNSKI

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CHAIR'S MESSAGE

This report covers the period April 1, 1999 to March 31, 2000 – a period of relative legislative stability, during which the Board has tried to digest its new adjudicative responsibilities, and refine its administrative processes. Since most of these developments have already been the subject of specific consultation with the community, this message can be relatively brief.

In late Spring, the Board added six new Vice-Chairs, taking us almost to our full complement and allowing us to attack our backlog and improve case disposition. With these added resources, we hope to reduce the number of pending cases that accumulated towards the end of the previous fiscal year; moreover, all Vice-Chairs and processing staff are now linked by new computer technology, which should enhance response times and document tracking – especially for Labour Relations Officers who are constantly on the road to all parts of Ontario. In this regard, we continue to build, test and implement our case management system, as we move gradually towards paperless files and electronic filing.

In earlier messages I indicated that this new technology would permit us to develop new statistical measures to monitor our performance. As you know, the format of the Board's statistics dates back to the 1950s; and while this format permits some useful historical comparisons, it may not capture either the recent legislative changes or the new mix of responsibilities that have come to the Board in recent years. In addition, our website allows for much quicker presentation of this data to our stakeholders, so that there is now no reason that a statistical presentation must await our annual report. Technology permits a more timely release of information.

Unfortunately, this project remains a work in progress. But we expect to have the new system operational by the end of this fiscal year. The goal is to produce more timely and informative material on the work of the Board and we hope that the community will become comfortable with using our website as the primary source of information.

In August 1999, after much consultation and many drafts, the Board released an up-to-date set of its Rules and Procedure, complete with handy descriptive charts to assist users in providing each other and the Board with complete and timely applications. More recently, the Rules have been supplemented by a revised "laypersons Guide" to the work of the Board, which explains in plain language the various areas over which the Board now has responsibility. Once we have considered comments from the community, a final version of the Guide will be available in hard copy and on our website.

The Board entered the cyberworld in December 1999. At the time of writing, the website has been in place for about six months, and now contains an almost exhaustive compilation of the Board's Rules, Forms, Information Bulletins and other material that the community may find useful. The website also includes messages to the community, profiles of Board staff, as well as electronic versions of the Board's monthly ***Highlights*** to alert readers to recent important cases. Indeed, over time, the accumulated notations in the ***Highlights*** will provide a ready reference to recent jurisprudential developments.

The website is monitored regularly and will be expanded as more of our work and services can be translated into a web format. The website address is: [***www.gov.on.ca/lab/olrb/home.htm***]. We hope that everyone will become comfortable using the website.

Cost recovery for construction industry grievances became a reality in December 1999, so that the Board now charges for applications, responses and hearings for these particular proceedings. So far, there has been no discernible impact on case volume; moreover, the construction community is becoming acclimatized to the "default judgment" feature of the system which, we expect, will expedite case disposition without formal hearings. Similarly, broader use of the "consultation format" has allowed us to dispose of virtually all Bill 136 and fair representation applications, in a fair and expeditious way without the cost and complexity of a "traditional hearing". It is a technique which has proved exceptionally useful, and one with which we continue to experiment with a view to using it elsewhere.

We have now settled comfortably into our new quarters at 505 University Avenue, and have received, with some gratification, many compliments on the new space, its features, and the more or less seamless move to the new location. That said, we continue to struggle with the administrative challenges arising from the shared service arrangements which we have with other tribunals co-located at 505 University Avenue. That, too, is a work in progress.

Finally, let me take this opportunity to recognize the hard work of all Board staff and to acknowledge the support that we have received from the labour relations community. We are a rather unique institution: poised between the Government and the Courts, but independent of both. In the circumstances, our connection with the community – our stakeholders – is absolutely critical. So in this time of challenge and change, we look forward to continued dialogue and collaboration.

TABLE OF CONTENTS

I	Window on the Board's Operations	1
II	Board Staff	6
III	Ontario Labour Relations Board: History and Overview	17
IV	Board Publications	24
V	Staff and Budget 1999-2000	25
VI	Caseload 1999-2000	26
VII	Court Activity 1999-2000	36
VIII	Statistical Tables 1999-2000	37

I - WINDOW ON THE BOARD'S OPERATIONS

The Board is an independent tribunal mandated to handle a variety of different applications, under a number of different pieces of legislation, including:

- *Colleges Collective Bargaining Act,* R.S.O. 1990, c. C.15
- *Community Small Business Investment Funds Act*, S.O 1992, c.18.
- *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- *Education Act,* R.S.O. 1990, c. E.2
- *Employment Standards Act*, R.S.O. 1990, c.E.14
- *Environmental Bill of Rights Act*, 1993, S.O. 1993, c. 28
- *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:

  * *Environmental Assessment Act*, R.S.O. 1990, c. E.18
  * *Environmental Protection Act*, R.S.O. 1990, c. E.19
  * *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
  * *Pesticides Act*, R.S.O. 1990, c. P.11
  * *Fisheries Act*, R.S.C. 1970, c. F-14

- *Fire Protection and Prevention Act, 1997,* S.O. 1997, c.4
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- *Public Sector Labour Relations Transition Act*, 1997, S.O. 1997, c. 21
- *Public Service Act*, R.S.O. 1990, c. P.47
- *Smoking in the Workplace Act*, R.S.O. 1990, c. S.13

The Board's primary work is administering the *Labour Relations Act, 1995*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2:

2. The following are the purposes of the Act:

   1. To facilitate collective bargaining between employers and trade unions that are the freely-designated representatives of the employees.

   2. To recognize the importance of workplace parties adapting to change.

   3. To promote flexibility, productivity and employee involvement in the workplace.

   4. To encourage communication between employers and employees in the workplace.

   5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.

   6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.

   7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, 14 full-time and 5 part-time Vice-Chairs, and 9 full-time Board Members. These individuals draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic.

Under section 114(1) of the *Labour Relations Act, 1995*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness.

The Board is also entitled to determine its own practices and procedures and to make rules. Those rules and the forms for commencing or responding to cases are available from the Board at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1, in both paper form and computer disk.

Apart from its adjudicative function, the Board's operations can be broadly divided into administrative staff, field services, and legal services.

ADMINISTRATIVE STAFF

Registrar's Section

The Registrar is the chief administrative officer of the Board. His staff includes a Deputy Registrar, three assistants, and three administrative secretaries.

The Registrar, through the Deputy Registrar and the Case Processing Managers, supervises the Board's processing sections which process applications filed with the Board in accordance with the Board's Rules of Procedure. Every application received by the Board enters the system through the Registrar's office. Cases are scheduled by the Registrar in consultation with the Manager of Field Services, the Board Solicitors, and the Chair. The Registrar supervises the effective and speedy processing of each case, and communicates with the parties in matters relating to the scheduling of hearings or on particular problems in the processing of any given case.

Manager of Administration

The Manager of Administration is responsible for the co-ordination and efficient operation of the Board through the management of the budget, human resources functions, library, and the provision of administrative direction and common services.

Library Services

In December, 1998 the Ontario Labour Relations Board Library was merged with the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library to form the new Ontario Workplace Tribunals Library.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward, all Employment Standards appeals from 1970 to date and all Occupational Health and Safety appeals from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

The OLRB Librarian provides research services to the Board and assists other library users as well as providing Board decisions to various branches of the Ministry of Labour and to Quicklaw Inc. for their databases of OLRB decisions.

FIELD SERVICES

The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, eleven Labour Relations Specialists and fourteen Labour Relations Officers are responsible for mediating settlements in the Board's cases. In significant measure because of their efforts, approximately 80% of the Board's cases are determined by agreement rather than by adjudication. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with returning officers, conduct representation votes. Through ongoing in-house training and exchanges with the Office of Mediation and private sector employers and unions, Labour Relations Officers are kept on the forefront of developments in the mediation field.

LEGAL SERVICES

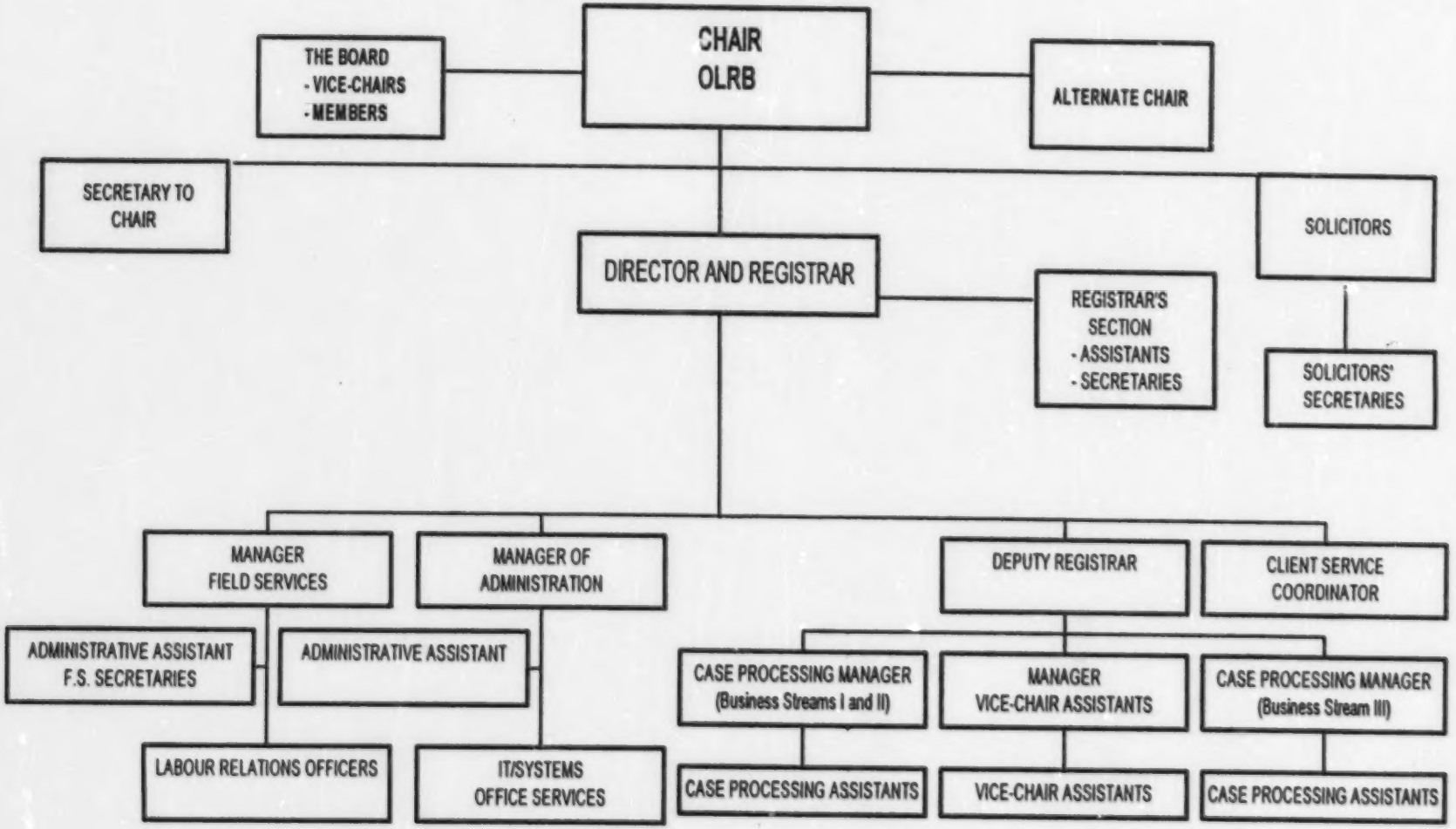
Legal Services to the Board are provided by the Solicitors' Office, which consists of three Board Solicitors who report directly to the Chair. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

The Solicitors' Office is responsible for all of the Board's publications. One of the Solicitors is the editor of the Ontario Labour Relations Board Reports.

ORGANIZATIONAL CHART

An abbreviated organizational chart of the Ontario Labour Relations Board is on the following page.

ONATRIO LABOUR RELATIONS BOARD



II BOARD STAFF

ORDER IN COUNCIL APPOINTMENTS

CHAIR, ALTERNATE CHAIR, VICE-CHAIRS

Richard (Rick) MacDowell, Chair

Mr. MacDowell's educational background includes a B.A. (Honours) in Economics from the University of Toronto (1969), an M.Sc. (with Distinction) in Economics from the London School of Economics and Political Science (1970), and an LL.B. from the University of Toronto Law School (1974). He has been associated with the University of Toronto since 1971 and with the School of Graduate Studies since 1976. A former Senior Solicitor of the Board, Mr. MacDowell was appointed as Vice-Chair in 1979, and was alternate chair from 1987 until his appointment as Chair in September 1995. With 21 years of service as a Board adjudicator, Mr. MacDowell is one of the longest serving "professional neutrals" in Canada. He is also an experienced arbitrator and mediator in both the public and private sectors. Mr. MacDowell has a number of publications relating to labour relations to his credit.

Mary Ellen Cummings, Alternate Chair

Ms. Cummings was appointed a Vice-Chair in August 1997, and Alternate Chair in January 1999. Prior to joining the Board, she held adjudicative positions at the Pay Equity Hearings Tribunal, Employment Equity Tribunal, Workers' Compensation Appeals Tribunal and Office of Adjudication. Ms. Cummings started her legal career practising labour and employment law in Toronto, after graduating from Queen's University (LL.B.) and McMaster University (B.A.)

Christopher Albertyn, Vice-Chair

Mr. Albertyn was appointed a Vice-Chair of the Board in October 1994. In 1997, he was appointed Chair of the Ontario Education Relations Commission and the Colleges Relations Commission. He is a graduate of the University of Witwatersrand, Johannesburg (B.A. Honours), the University of South Africa (B.Proc.) and the University of Natal, Durban (LL.B.). He was the founding Director of the Centre for Socio-Legal Studies in the Law Faculty of the University of Natal in Durban. He practised law during the period 1977 to 1988. Since that time he has practised as an arbitrator and mediator. He settled in Canada in 1993. He is on arbitration panels in Canada, South Africa and the US, and has been admitted to the Minister's list of arbitrators of the Ontario Office of Arbitration. He is the co-author of *Alcohol, Employment and Fair Labour Practice*. He wrote the section on South Africa in *International Labour and Employment Law* (BNA Books) and has written several articles on labour law.

Anthony F. Brown, Vice-Chair

Mr. Brown joined the Labour Relations Board as a full-time Vice-Chair in June, 1999. His educational background includes an LL.B. (Ottawa), an M.Ed. (Brock), and an LL.M. (in

progress, Osgoode Hall Law School). He was called to the Bar in 1979 and has many years experience in labour relations, most recently as legal counsel to the Ontario Ministry of Education. Mr. Brown is the author of the *Legal Handbook for Educators* (4th ed.), co-author of *Education Law* (2nd ed.) and consulting editor of the annual *Ontario Education Statutes and Regulations*, all published by Carswell.

***Pamela Chapman**, Vice-Chair*

Ms. Chapman was appointed to the Board as a Vice-Chair in November, 1993. She is a graduate of the University of Toronto (B.A. 1983) and of Osgoode Hall Law School (LL.B. 1986). After her call to the Bar in 1988, she practised law in Toronto, first as an associate and then as a partner in a small firm specializing in labour and administrative law. Ms. Chapman has been published in the *Osgoode Hall Law Journal* and the *Labour Arbitration Yearbook*, and teaches labour and employment law at Carleton University. She became a part-time Vice-Chair in 1998, and also acts as a private arbitrator and mediator.

***Harry Freedman**, Vice-Chair*

Mr. Freedman returned to the Board, having been appointed a Vice-Chair in September 1998. Before his recent appointment, he was a partner with Blake, Cassels & Graydon, practising labour and employment law with that firm for almost ten years. In October, 1995, the Law Society of Upper Canada certified Mr. Freedman as a specialist in labour law. Prior to joining Blake, Cassels & Graydon in December 1988, Mr. Freedman had served as the Board's senior solicitor from April 1979 until September 1984, when he was appointed a Vice-Chair of the Board. He was called to the Bar in 1977 after receiving his LL.B. degree from Osgoode Hall Law School in 1975 and his B.A. from the University of Toronto in 1971. Mr. Freedman practised law with Warren Winkler (as he then was), Roy Filion and David Wakely before joining the Board in 1979. He has taught labour law and collective bargaining at Ryerson Polytechnic University, an arbitration course at Osgoode Hall Law School and for several years was an instructor in public law in the Bar Admission Course. He has authored several papers, including "Securing the Attendance of Witnesses Before Labour Relations Tribunals" (1990), 11 *The Advocates Quarterly* 355. Mr. Freedman is an experienced and active arbitrator and mediator.

***Diane Gee**, Vice-Chair*

Ms. Gee was appointed to the Board as a Vice-Chair in January, 1994. She did her undergraduate work at the University of Toronto (B.A. 1983) and graduated with an LL.B. from Osgoode Hall Law School in 1986. Upon her call to the Bar in 1988, Ms. Gee practised labour law. She has also taught courses in the area of labour law at Ryerson Polytechnic University.

***Russell Goodfellow**, Vice-Chair*

Mr. Goodfellow's educational background includes an LL.B. and a B.A. from the University of Western Ontario, and an LL.M. from the University of Cambridge in public law. He served as a law clerk to the Chief Justice of the High Court of Ontario after his call to the Bar in 1987, and practised labour law in Toronto until his appointment to the Board in 1993. Mr. Goodfellow became a part-time Vice-Chair in 1995, and also acts as a private arbitrator and mediator.

***Bram Herlich**, Vice-Chair*

Mr. Herlich was appointed to the Board as a Vice-Chair in 1989. He is a graduate of

McGill University (B.A. 1972, M.A. 1977) and Osgoode Hall Law School (LL.B. 1982). Prior to joining the Board, he practised law with a Toronto firm specializing in labour relations. Since 1998 Mr. Herlich has been a part-time Vice-Chair. In 1999 he was appointed Vice-Chair of the Grievance Settlement Board. He also acts as a private arbitrator and mediator.

***Patrick Kelly**, Vice-Chair*

Mr. Kelly was appointed to the Board as a Vice-Chair in May of 1999. He is a graduate of the University of Ottawa's Faculty of Arts (B.A. 1980) and Faculty of Law (LL.B. 1983). Upon being called to the Bar in 1985, Mr. Kelly immediately commenced a career in Human Resources, beginning with a labour relations portfolio at Women's College Hospital. In 1990 he was appointed as Director of Human Resources with the Regional Municipality of York. He then joined the City of York as its senior Human Resource lead in 1996. Upon amalgamation of York into the City of Toronto in 1998, he was appointed at a Director level to provide human resource services to the Fire, Ambulance and Public Works Divisions of the City.

***John Morgan Lewis**, Vice-Chair*

Mr. Lewis was appointed to the Board in April, 1999. He is a graduate of St. Francis Xavier University (B.B.A. Honours) and of Osgoode Hall Law School (LL.B.). Mr. Lewis was called to the Nova Scotia Bar in 1992. After his call to the Ontario Bar in 1994, Mr. Lewis practised law as an associate with the law firm of Jesin and Watson. Between 1995 and April 1999, Mr. Lewis was General Counsel for Drywall Acoustic Lathing and Insulation, Local 675. In December of 1995, he also assumed the position of Business Manager with the Union. Mr. Lewis was an executive member of the Carpenters' District Council of Ontario and President of the Central Ontario Regional Council of Carpenters, Drywall and Allied Workers. Mr. Lewis has been a Trustee on a number of Multi-Employer Trust Funds and has sat on various Labour-Management Committees.

***David A. McKee**, Vice-Chair*

Mr. McKee was appointed to the Board as a full-time Vice-Chair in 1999. He graduated from the University of Toronto with a B.A. in 1972 and an LL.B. in 1978. In the interim he was employed as a youth worker in the east end of Toronto. He was called to the Bar in 1980. From 1980 to 1999, he was first an associate and later a partner at Caley & Wray, practising in the fields of labour, employment and benefit trust law. During that time he appeared in all levels of courts, before arbitrators and many tribunals.

***Brian McLean**, Vice-Chair*

Mr. McLean was appointed as a Vice-Chair in July, 1998. He attended the University of Victoria and is a graduate of Osgoode Hall Law School at York University. Mr. McLean practised labour law in Toronto for eight years until his appointment to the Board. He is co-author of the *Collective Agreement Handbook*.

***Gail Misra**, Vice-Chair*

Ms. Misra was appointed to the Board as a Vice-Chair in January, 1994. She is a graduate of Wilfrid Laurier University (B.A. 1986) and Osgoode Hall Law School (LL.B. 1989) and received an LL.M. in Alternative Dispute Resolution from Osgoode Hall Law School (1998). Prior to joining the Board, Ms. Misra practised labour law with a Toronto law firm.

Marilyn Nairn, Vice-Chair

Ms. Nairn was appointed to the Board as a full-time Vice-Chair in July 1989. She is a graduate of the University of Winnipeg (B.A. Econ., 1977) and the University of Ottawa (LL.B. Cum Laude, 1980). Upon her call to the Bar she practised labour law until joining the Board as solicitor in 1987. Ms. Nairn has taught labour law and collective bargaining at Ryerson Polytechnic University, and has lectured in labour relations at George Brown College and York University. In July 1998, Ms. Nairn became a part-time Vice-Chair and commits half of her time to the Board while also continuing to provide private arbitration and mediation services.

Caroline Rowan, Vice-Chair

Ms. Rowan was appointed to the Board as a Vice-Chair in 1999. She graduated from the University of Toronto (Honours B.A. in 1986) and from Osgoode Hall Law School (LL.B. in 1989). Since her call to the Bar in 1991, she has worked exclusively in the field of labour relations and employment law. She spent her first seven years in private practice in the labour and employment law group of a large multi-service downtown Toronto law firm. In the year prior to joining the Board, Ms. Rowan worked in-house at a retail and wholesale operation with a large union and non-union workforce. She has been a member of the executive of the CBAO Administrative Law section for the past several years and is currently acting as Secretary.

Tim Sargeant, Vice-Chair

Mr. Sargeant was appointed as a Vice Chair in March, 1996. He is a graduate of Yale University (B.A.), Osgoode Hall Law School (LL.B.) and the London School of Economics (LL.M.), He is also a Queen's Counsel. For many years, Mr. Sargeant practised labour law in Toronto. Prior to his appointment, Mr. Sargeant was acting as a private arbitrator.

Marilyn Silverman, Vice-Chair

Ms. Silverman was appointed to the Board as a Vice-Chair in April 1999. She graduated from McGill University (B.A. 1979) and the University of Ottawa (LL.B. 1983). After her call to the Bar in 1984, Ms. Silverman began practising law in Ontario as in-house counsel. In 1988 she began working in private practice in the area of management side labour relations. In her 11 years in private practice, she represented employers in all areas of labour and employment law, including grievance arbitrations, contract negotiations, labour board proceedings, workers' safety and insurance matters, employment standards and wrongful dismissal actions.

Inge M. Stamp, Vice-Chair

Ms. Stamp joined the Labour Relations Board in August, 1982 as a full-time Board Member representing management. In September of 1987, she was appointed a Vice-Chair. Ms. Stamp comes to the Board with many years experience in construction industry labour relations. She also represented the Industrial Contractors Association of Canada during province-wide negotiations as a member of several employer bargaining agencies.

Laura Trachuk, Vice-Chair

Ms. Trachuk's educational background includes an LL.B. and an M.A. from the University of Toronto, and a B.A. from the University of Guelph. She then practised labour law, including a comprehensive range of labour litigation including labour and employment law, human rights, occupational health and safety, pay equity, workers' compensation, and employment equity until her appointment to the Board in 1993.

Ms. Trachuk has published joint research papers in the areas of human rights, workers' compensation, and the impact of pay equity on collective bargaining.

MEMBERS REPRESENTATIVE OF LABOUR AND MANAGEMENT

Alan Haward

Mr. Haward came to the OLRB from the Heat and Frost Insulators and Asbestos Workers, Local 95. Mr. Haward served a four-year apprenticeship, followed by just over fourteen years as a Journeyman Insulator. During his almost nineteen years with the Insulators, he held many offices with his Local Union, such as Steward, Health and Safety Representative, Recording Secretary, Executive Board, Treasurer, and also as an Apprentice Instructor. For the four-and-a-half years prior to joining the OLRB in April of 1998, Mr. Haward worked as a full-time Business Representative and Organizer.

Jerry Knight

Mr. Knight joined the OLRB in 1997. Prior to coming to the Board, he was the Director of Labour Relations for Canadian Highways (1994-1997) and General Manager of the Electrical Power Systems Construction Association (1986-1993). He is a graduate of the University of Guelph (Business and Economics, 1972). Mr. Knight has extensive experience in collective agreement negotiations and administration in a number of sectors of the construction industry.

George McMenemy

Mr. McMenemy was appointed a full-time Board Member representing labour in November of 1992. Prior to that, from 1983 to his appointment, he was the Business Manager of Glaziers' Local 1795 and Local 1824 of the Painters' Union. While in that position, he also served as Recording Secretary of the Kitchener Building Trades, Vice-President of the Ontario Council of the C.F.L. and a trustee of the Ontario Glaziers Benefit Trust Funds. Over the years he has been involved in many community activities, committees and boards. He is currently a member of the Burlington Public Library Board, and an active alumnus of the Governor General's Canadian Study Conference.

Rene R. Montague

In March of 1986, Mr. Montague was appointed a full-time Board Member representing labour. A member of the United Auto Workers (now Canadian Auto Workers) for many years, Mr. Montague maintained many responsible positions in the union, including plant chairperson of Northern Telecom. He has extensive arbitration and bargaining experience. In 1985, Mr. Montague was elected to the Executive Committee of the United Way of Greater London and was a member of the Board of Directors and Campaign Committee of the United Way.

David A. Patterson

Mr. Patterson was appointed a full-time Board Member representing labour in April, 1986. A member of the United Steelworkers of

America for many years, a miner by trade, he advanced through the ranks of his Union to become President of Local 6500, USWA from 1976 to 1981, and Director, District 6, USWA in Ontario from 1981 to 1986. He was elected Vice-President-at-large of the Canadian Labour Congress from 1982-1986 and was a member of the Board of Directors of the M.A.P.A.D. Mr. Patterson also served on the Premier's Advisory Committee, the Ontario Labour-Management Study Group.

Hugh Peacock

Mr. Peacock was appointed a full-time Board Member representing labour in November, 1986. Prior to joining the Board, he was Legislative Representative for the Ontario Federation of Labour. He came to the O.F.L. after having been the Woodworkers' Education and Research Representative (1960-61), working in the UAW Canada Research Department (1962-1967), and having been a negotiator for the Toronto Newspaper Guild (1972-1976). Mr. Peacock was a member of the Ontario Legislature, representing Windsor West (NDP) from 1967 to 1971. He is currently an Officer and Director of several volunteer community service organizations.

Glenn A. Pickell

Mr. Pickell was appointed a full-time Board Member representing Management in April, 1998. He has an extensive background as Labour Relations Manager with Shell Canada, responsible for establishing a management bargaining agenda for operating plants as well as labour contracting strategies for new facilities. Prior to joining Shell in 1980, Mr. Pickell was Manager of Construction Labour Relations for Ontario Hydro and General Manager of the Electrical Power Construction Association (ESPCA). In this latter capacity he developed bargaining strategies for a multi-employer, province-wide collective agreement for the electrical power sector of the construction industry. Mr. Pickell has provided consultation services to Contractor Associations and International Unions to provide an Owner-Client perspective to their discussions, and has lectured on labour issues for the Project Management program at the University of Calgary.

James A. Ronson

Mr. Ronson has been a full-time Board Member representing management since 1978. A graduate of the University of Toronto, he received his B.A.Sc. degree (Mining Engineering) in 1965 and an LL.B. degree in 1968. Prior to joining the Board, he practised law in Toronto for ten years.

Judith Rundle

Ms. Rundle has been a full-time Board Member representing management since July 1986. Prior to joining the Board, Ms. Rundle worked in the health care field in the area of human resources management.

ADMINISTRATION

***Tim Parker**, Director/Registrar*

Mr. Parker was appointed to the position of Director and Registrar in September 1997, after serving as the Board's Registrar since July of the same year. Prior to becoming Director/Registrar, Mr. Parker was a Labour Relations Officer with the Board. He has also served as a Mediator-Specialist with the Office of Mediation, Labour Management Services (Ministry of Labour). Prior to joining the OLRB, Mr. Parker was with the Employment Standards Branch of the Ministry of Labour. He has extensive experience in collective bargaining, grievance mediation, labour relations and employment law, and has acted, frequently, as a mediator and mediator/arbitrator for parties in the private and public sectors. Mr. Parker is a former senior partner with a private sector firm specializing in mediation and arbitration of employment and labour disputes. He is a graduate of the University of Toronto (1985).

***Patricia M. Grenier**, Deputy Registrar*

Ms. Grenier joined the Board in 1990 as Deputy Registrar. Her educational background includes a combined Honours B.A. in Political Studies and French Language and Literature from the University of Guelph (1972) and a Master of Library Science from the University of Western Ontario (1973). After receiving her MLS, Ms. Grenier practised her profession at the London Public Library, the University of Guelph Library and at the Ministry of Education, where she managed the Information Centre. Subsequently Ms. Grenier managed the Minister's Correspondence Unit at the Ministry of Education, before taking up a position with the Education Relations Commission as a Field Services Officer. Ms. Grenier has been published in the American Library Association's *Documents to the People* (1979-1981) where she contributed a monthly column, "News from Canada". She also served as the National Editor (Canada) for the international journal *Government Publications Review* (1985-1991).

***Ronald N. Lebi**, Solicitor*

Mr. Lebi has been a solicitor with the Board since 1991. He is a graduate of Osgoode Hall Law School (LL.B.) and Carleton University (B.A. and M.A.). Prior to joining the Board, Mr. Lebi worked as a staff lawyer with the Ontario Nurses' Association and the Food and Services Workers of Canada. He also spent two years as a member of the faculty at Osgoode Hall Law School teaching labour relations in the public sector and legal research and writing.

***Voy Stelmaszynski**, Solicitor*

Mr. Stelmaszynski joined the Board in 1997. Prior to joining the Board, he was Legal Counsel to the Office of Adjudication, a Ministry of Labour agency responsible for employment standards and occupational and health and safety appeals, and a Solicitor at the Ministry of Housing. In addition to his law degree (Windsor, 1989), he holds a M.A. in Slavic Languages and Literatures (Toronto, 1977). Mr. Stelmaszynski has been a language instructor and translator-interpreter (Polish). He has several publications as a translator to his credit. He serves on a number

of community-based boards, and is an instructor in the Public Law section of the Bar Admissions Course at the Law Society of Upper Canada.

FIELD SERVICES

Peter Gallus, Manager of Field Services

Mr. Gallus joined the Board as Manager of the Board's mediation division in the summer of 1994. Prior to coming to the Board, he was Registrar of the Pay Equity Hearings Tribunal, and then Registrar of both that tribunal and the Ontario Human Rights Boards of Inquiry. He has also been the Co-ordinator of the Administrative Merger of the Pay Equity Hearings Tribunal, Ontario Human Rights Boards of Inquiry and Employment Equity Tribunal, as well as a Labour Relations Officer at the Board. Before joining the public service, Mr. Gallus was a union representative in the university sector and at the CBC.

LABOUR RELATIONS SPECIALISTS

James Bowman

Mr. Bowman joined the Labour Relations Board in 1976 as a Labour Relations Officer. Prior to coming to the Board, he attended the University of Waterloo (Honours, History, 1970) and Osgoode Hall Law School. In 1988, Mr. Bowman was appointed Deputy Registrar of the Ontario Labour Relations Board. He returned to the Field Staff in 1991.

Fernando Da Silva

Mr. Da Silva joined the Board's Field Services as a Labour Relations Officer in 1990. Prior to coming to the Board, he served as Director of Organizing for a major trade union. In addition, his responsibilities included grievance processing up to and including arbitration, and contract negotiations. Over the past nine years, Mr. Da Silva has established himself as a professional neutral in the Labour Relations and Employment Law field and acts as a private mediator in both the private and public sector.

Wayne Davis

Mr. Davis joined the Board as a Labour Relations Officer in July 1984, after more than twenty years' experience in industrial labour relations. His background includes grievance processing up to and including arbitration, and contract negotiations. Mr. Davis graduated from the personnel/industrial relations program at McMaster University in 1971.

Barbara Dresner

Ms. Dresner is a graduate of Michigan State University. Prior to joining the Board as a Labour Relations Officer, in 1985, she was a consultant with the Ontario Quality of Working Life Centre.

Dale Gordon

Ms. Gordon joined the Board in the fall of 1977 and progressed through various positions before re-locating to the Employment Standards Branch of the Ministry of Labour in September, 1980. She returned to the Board

in February 1984 as a Returning Officer. She later became a Labour Relations Officer and is currently a Labour Relations Specialist.

Ed Hunt

Mr. Hunt joined the Board as a Labour Relations Officer in 1984. Prior to coming to the Board, he held various offices within the United Electrical Workers Union while working at Westinghouse Canada in Hamilton. In 1974, he was appointed National Representative, and was responsible for administering collective agreements, contract negotiations, and representing the union's members in occupational health and safety, workers' compensation, and unemployment insurance matters.

William Jackson

Mr. Jackson joined the Board as a Labour Relations Officer in 1984, after spending several years as an investigator-conciliator with the Ontario Human Rights Commission. A former director with the Arbitration and Mediation Institute of Ontario, he is involved in a wide variety of dispute resolution activities. Mr. Jackson is bilingual, and has a B.A. in Political Science from the University of Waterloo.

Frank Reilly

Mr. Reilly joined the Board as a Labour Relations Officer in 1988. Educated in Scotland, he has worked in both business and the trade union movement.

Janet J. Ruzycki

Ms. Ruzycki (née Greenberg) joined the Board as a Labour Relations Officer in February 1987. She did her undergraduate work at McGill University in Montreal, and graduated from Queen's University in Kingston with a Master's Degree in Public Administration in 1981. Prior to joining the Board, Ms. Ruzycki worked in a wide variety of human resources, compensation and labour relations positions with both the Saskatchewan Public Service Commission and the St. Lawrence Seaway Authority. She is bilingual and practises in a wide range of dispute resolution activities.

Alex Vigar

Mr. Vigar began his business career with the Board in 1971. He has held a number of supervisory positions at the Board, including heading up the Accreditation section of the Construction Industry, supervisor of the Certification and Representation section, and Computer Programme Analyst. Since 1980, Mr. Vigar has established himself as a neutral mediator through his role as a Labour Relations Officer.

Patrick Whyte

Mr. Whyte joined the Board as a Labour Relations Officer in June, 1981 and, except for a two-year period as a Senior Labour Relations Officer with Canada Post, has been acting in that capacity ever since. He was a member of the Retail, Wholesale, Department Store Union for many years and served as Chair and Executive Treasurer of the Dominion Store unit of Local 414. Over the past several years, Mr. Whyte has established himself as a professional neutral in the labour relations field, and frequently acts as an arbitrator.

CONSTRUCTION CO-ORDINATOR

Warren Cox

Mr. Cox joined the Board as a Labour Relations Officer in 1993. As the Construction Co-ordinator, his primary responsibility is to mediate grievances in the

construction industry. For several years prior to coming to the Board, he was Business Agent with the International Association of Bridge, Structural and Ornamental Ironworkers, Local 721.

LABOUR RELATIONS OFFICERS

Patricia S. Bucik

Ms. Bucik joined the Board's Field Services in November of 1990. Prior to coming to the Board, Ms. Bucik was employed in the Labour Relations Field in the grocery retail/distribution industry.

Joyce Caldwell

Ms. Caldwell joined the Board's Field Services in 1994. She did her undergraduate work at Brock University, and graduated from the University of Toronto with a Masters Degree in Industrial Relations in 1986. Prior to joining the Board, Ms. Caldwell worked in a variety of human resources, compensation and labour relations positions, primarily in the broader public sector.

Ron Davidson

Mr. Davidson had thirty-eight years' experience in most aspects of labour relations when he joined the Board in May 1998. A native of Australia, he was the Secretary-Treasurer of the Sydney local of the Federated Iron Workers Association with a membership of 17,000. He was awarded the Winston Churchill Scholarship, which enabled him to graduate from the Harvard University Trade Union Programme in 1969 and received leadership grants to continue further studies in the USA and Europe. He has been an organizer and staff representative with the Service Employees International Union before becoming the Canadian Director of Organizing and later the Canadian Regional Director. He also spent some time as co-ordinator of the Metro Toronto Hospitals for the Canadian Union of Public Employees and prior to coming to the Board, he was the Grievance Coordinator and the Negotiations Supervisor for the Ontario Public Service Employees Union.

Fred Heerema

Mr. Heerema has been with the Board as a Labour Relations Officer since April, 1998. Immediately prior to coming to the Board he served as a mediator and mediation trainer with the Dispute Resolution Group of the Financial Services Commission of Ontario. He and the entire Dispute Resolution Group received the Amethyst Award for outstanding achievement by Ontario public servants during his time with the Group. Prior to that he worked as a lawyer specializing in labour relations and employment law with the Toronto law firm of Miller Thomson and as a union representative with the Christian Labour Association of Canada.

Ingrid Joseph

Ms. Joseph joined the Board's Field Services section as a Labour Relations Officer in 1997. Prior to coming to the Board, she held several positions within the Ontario Public Service, among which were those of an Employment Standards Officer with the Employment Practices Branch and Grievance Mediation Officer with the Office of Arbitration. She is a graduate of St. Stephen's College, Trinidad.

Michèle Lapointe

Ms. Lapointe joined the Labour Relations Board in 1991. She is a graduate of Laval University (Industrial Relations (Honours), 1988) and held a variety of positions in industry in Human Resources and Labour

Relations. She is a designated Bilingual Officer.

Jack MacDonald

Mr. MacDonald joined the Field Staff of the Board in 1971, following an extensive career in the Employee Relations area of Canada Packers Limited where he was actively involved in contract administration, negotiation, conciliation, and arbitration proceedings. In 1976, Mr. MacDonald was promoted to the position of Senior Labour Relations Officer and in 1981 to the newly created position of Manager of Field Services, a position he held until his retirement. Mr. MacDonald continues to work at the Board in the capacity of a Labour Relations Officer.

Michelle McPhee

Ms. McPhee joined the Board's Field Services as a Labour Relations Officer in May, 1998. She is a graduate of the University of Western Ontario (LL.B., 1984). She has held a variety of positions with trade unions.

Jim O'Donnell

Mr. O'Donnell joined the Board's Field Services as a Labour Relations Officer on a temporary contract in March 1995 then became permanent in 1997. For several years prior to coming to the Board he held positions within the Transport Industry, among which were Manager of Safety and Accident Claims, Certified Driver Trainer, and 14 years on staff with Teamsters Joint Council No. 52.

Joan Shirlow

Ms. Shirlow joined the Board's Field Services as a Board Officer in February, 1995. For the six years prior to coming to the Board, she was Registrar of the Crown Employees Grievance Settlement Board, the Ontario Public Service Grievance Board and the Classification Rating Committees. Ms. Shirlow has over 26 years experience in administrative management in the Ontario Government. She has a degree in Sociology from York University and a Certificate in Public Administration from Ryerson Polytechnic University.

Paul Simon

Mr. Simon joined the Board's Field Services as a Labour Relations Officer in January 1995. Prior to joining the Board, Mr. Simon worked in the labour relations field, during which time he negotiated many collective agreements and participated in many grievance settlements and arbitrations. Earlier in his career, Mr. Simon served as Unit Chair of his bargaining unit under the Energy and Chemical Workers Union, where he oversaw local negotiations and grievances and participated in joint labour/management meetings.

Bob Wright

Mr. Wright joined the Board in May, 1998. He is a graduate of the University of Western Ontario: B.A. Honours (Philosophy, 1980), M.A. (Philosophy, 1981) and LL.B. (1993), and is currently completing the LL.M. program in Alternative Dispute Resolution at York University. Prior to joining the Board, Mr. Wright practised labour, employment and school board law as an associate of a Toronto firm.

III ONTARIO LABOUR RELATIONS BOARD: HISTORY AND OVERVIEW

From its inception as Canada's first "Labour Court" to its most recent incarnation, the Ontario Labour Relations Board administers a variety of employment and labour relations-related statutes with a view to promoting safe, fair and harmonious conditions in Ontario's workplaces.

The Board had its beginnings in 1943, when the Ontario Legislature passed the *Collective Bargaining Act*, one of the first attempts in Canada to institute an effective scheme of compulsory collective bargaining. This legitimized collective bargaining in Ontario under the Ontario Labour Court, which was a division of the Supreme Court of Ontario. At the same time, it abolished the common law doctrines of conspiracy and restraint of trade as they had been applied to trade unions, and gave employees a right to participate in union activity. A union was permitted to apply for certification as the bargaining agent for a group of employees. The Court had power to ascertain the appropriate unit for the purpose of collective bargaining.

The Act contained several features which are standard in labour relations legislation today: management dominated organizations could not be certified, managerial employees were excluded from the Act, employers could not discriminate against employees for participation in union activity, employers were required to recognize a certified bargaining agent, and there was a duty to bargain in good faith. The Labour Court had broad remedial powers - something which the Ontario Labour Relations Board would not have for many years. The Labour Court was the only forum for resolution of disputes arising under a collective agreement.

The Ontario Labour Court was to have a short life span, attributable to a number of factors: the prohibitive cost of proceedings; the Judges' apparent dislike of labour matters, and most importantly, the federal government's decision to control labour relations matters during World War II. The Ontario Labour Court was replaced by the Ontario Labour Relations Board, pursuant to *The Labour Relations Board Act, 1944*, which was still subject to the federal Wartime Labour Relations Board.

Following the Second World War, the division of powers between the federal and provincial governments was re-established, and labour relations were returned largely to the hands of the provincial legislatures.

In 1947, the Ontario Labour Relations Board became independent of the Federal Government. The next year, *The Labour Relations Act, 1948* empowered the Lieutenant-Governor in Council to make regulations "in the same form and to the same effect as that ... Act which may be passed by the Parliament of Canada at the session currently in progress..." This Act was basically transitional in nature, since work was already under way on the drafting of separate provincial legislation, which made its first appearance in *The Labour Relations Act, 1950*.

A major function of the Board was, and to a great extent still remains, certifying trade unions as bargaining agents.

The history of the Board is largely a history of the acquisition of new powers and functions, as new ways of dealing with the problems inherent in industrial relations developed. Initially, however, the Board's role was fairly limited. There was no enforcement mechanism at the Board's disposal in 1950. The major enforcement method was prosecution, in which case the Board had to grant consent to prosecute. The Board had the power to declare a strike or lock-out unlawful, but this in itself fell short of being a very complete remedy. In a situation where an individual had been refused employment, discharged, discriminated against, threatened, coerced, or otherwise dealt with contrary to the Act, the appropriate remedy lay in an inquiry by a conciliation officer who then reported to the Minister who in turn could make an appropriate order.

Thus, outside of granting certifications and decertifications, the Board's power was quite limited. The power to make certain declarations, determinations, or to grant consent to prosecute under the Act was remedial only in a limited way. Of some significance during the fifties was the Board's acquisition of the power to grant a trade union "successor" status. In 1962, the complementary section providing for the preservation of bargaining rights in the case of "successor employers" was passed and was later expanded so as to preserve existing collective agreements.

In 1960, the Board received the authority to order reinstatement, with or without compensation. In conjunction with this new power was the power to designate a field officer to investigate complaints. The Board's reinstatement and compensation orders could be filed in the Supreme Court of Ontario and were enforceable as orders of that Court. The Board also received the power to refer jurisdictional disputes to a new jurisdictional disputes commission which had the power to make interim orders or directions. The Board was given limited power to review the directions. As with the Board's reinstatement and compensation orders, the interim orders could be filed with the Supreme Court and thus become enforceable as orders of that Court. The Board also received the power to set a terminal date for filing membership evidence and evidence opposing certification, and the discretion to refuse to "carve out" a craft unit where there was a history of industrial organization in a plant. In 1960, provision was also made for pre-hearing representation votes.

In 1962, the construction industry was given a separate but somewhat similar regime under the Act. Provision was made for determination of bargaining units by reference to geographic areas rather than particular projects. Labour policy with regard to the construction industry has continued to evolve. Legislation was introduced in 1977 to provide for province-wide bargaining in the industrial, commercial and institutional ("ICI") sector.

In 1970, the Board received a significant extension to its remedial authority. Provision was made for authorization of a Labour Relations Officer to inquire into certain complaints with a view to settling the matters. The most interesting addition to the situation in which the Board would make remedial orders was in the case of a breach of the newly created

"duty of fair representation". This duty, imposed on trade unions, required them not to act in a manner that was arbitrary, discriminatory, or in bad faith in their representation of employees for whom they held bargaining rights. More recently, this duty has been extended to cover referral of persons to work. The Board also received the power to make "cease and desist" orders with respect to unlawful strikes and lock-outs in the construction industry, which could be filed with the Supreme Court and be enforceable as orders of the Court.

A major increase in the Board's remedial powers under the Labour Relations Act occurred in 1975. A settlement reached by the parties and put into writing was binding on the parties, and a breach of such settlement could be dealt with in the same fashion as a breach of a provision of the Act. The Board's remedial powers were extended to all violations of the Act, and orders of the Board were enforceable in the same way that an order of the Supreme Court was enforceable. The Board also received authority to make "cease and desist" orders with respect to any unlawful strike or lock-out. It was in 1975 as well, that the Board's jurisdiction was enlarged to enable it to determine grievances in the construction industry referred to it by one of the parties to a collective agreement.

In June 1980, compulsory check-off of union dues was introduced, as was the entitlement of all employees in a bargaining unit to participate in ratification and strike votes. Provision was also made for the Minister of Labour to direct a vote of the employees in a bargaining unit on their employer's final offer at the request of their employer. In June 1983, section 78 was introduced into the Act, prohibiting strikes related to misconduct and the engaging of, or acting as, a professional strike-breaker. To date, the Board has not been called upon to interpret or apply section 78.

Amendments in 1984 gave the Board explicit jurisdiction to deal with illegal strikes or threats of illegal strikes, and permitted a party affected by an illegal strike to seek relief through the expedited procedures in sections 100 and 144, rather than the more cumbersome process under section 96. The Act also permitted the Board to respond in an expedited fashion to illegal agreements or arrangements which affect the ICI sector of the construction industry. It further established an appropriate voting constituency for strike, lock-out and ratification votes in that sector, and provided a procedure for complaints relating to voter eligibility to be filed with the Minister of Labour.

In May 1986, first contract arbitration was introduced into the Act. Where negotiations had been unsuccessful, either party could apply to the Board to direct the settlement of a first collective agreement by arbitration. Within strict time limits, the Board was to determine whether the process of collective bargaining had been unsuccessful under a number of enumerated grounds. Where a direction was given, the parties had the option of having the Board arbitrate the settlement.

In December 1986, the *Labour Relations Act* was brought into line with the *Human Rights Code, 1981* and the *Canadian Charter of Rights and Freedoms*. The provisions prohibiting the Board from certifying a trade union which discriminates, and deeming an agreement not to be a collective agreement if it discriminates, were amended to include any ground of discrimination prohibited by those two statutes.

In 1990, fines under the *Labour Relations Act* were increased: for a breach of the Act, fines for any individual were doubled to $2,000 and those for a corporation or trade union were increased to $25,000.

In December 1991, amendments to the Act increased the terms of province-wide agreements in the ICI sector of the construction industry from two to three years, prohibiting the counting of ballots in province-wide agreement ratification votes until all voting in the province is completed, and provided for the establishment of a corporation to facilitate collective bargaining and otherwise assist the sector.

On January 1, 1993, amendments extended the application of the Act to domestic workers and certain categories of professionals, and allowed security guards to join the union of their choice. They also provided that regulations may be made that would make the Act apply to agricultural workers.

Employees and union officials were entitled to engage in organizing and picketing activities on private property normally open to the public (such as a shopping mall) in defined circumstances. Provision was made for an expedited hearing on a complaint that a person was illegally discharged or disciplined during an organizing drive.

The Act altered the certification process through which unions obtain bargaining rights. The requirement of a membership fee was eliminated. The level of union support necessary for a representation vote (to determine whether a union would be certified to represent the employees) was reduced from 45 percent of employees in the bargaining unit to 40 percent. The standard for certifying a trade union when an employer had contravened the Act such that the true wishes of employees about being represented by the union were not likely able to be ascertained was changed: the requirement that the union have support adequate for collective bargaining was removed.

The Board was given the power to combine two or more bargaining units involving the same employer and union. A bargaining unit consisting of full-time and part-time employees was deemed to be an appropriate unit.

While the Board retained the power to direct that a first contract be settled by arbitration, on the same grounds that existed before the amendments came into force, it no longer had jurisdiction to settle the terms of the first contract itself. Parties could apply to the Minister for a first contract arbitration. Access to arbitration was automatic 30 days after it became lawful to strike or lock-out.

The amendments prevented an employer from using the services of various categories of replacement workers to do the work of employees in a bargaining unit that was locked out or on strike that had the support of 60 percent of employees who voted in a secret ballot. Provision was made for certain types of essential work to be done. During a strike or lock-out, employment benefits for employees were continued if the union offered to make the

payments to maintain them. A protocol governing the return of employees to work after a lock-out or strike was set out.

Employees were given "just cause" protection against being discharged or disciplined after the union is certified, during the life of a collective agreement, and after the expiry of the agreement until a new collective agreement is signed.

The amendments extended the scope of successor rights to cover the sale of a business that was previously subject to federal labour law, and to cover transfers of work in the building contract services sector (e.g., cleaning, food, and security). The successor rights provisions, which previously continued bargaining rights and collective agreements upon the sale of a business, were extended so that the successor employer was bound to all other labour relations proceedings and collective bargaining notices.

The amendments provided the Ontario Labour Relations Board with additional procedural powers, including the power to make interim orders, and with an additional remedial authority to settle terms of the collective agreement in the case of a breach of the duty to bargain in good faith. They also created a new process for the resolution of jurisdictional disputes between unions.

In January 1994, the Act was amended to increase the participation of local unions in collective bargaining by providing for shared bargaining rights between local trade unions and parent unions. It also provided for the appointment of trustees of employment benefit plans by local unions, and, unless there is just cause, prohibited a parent union from altering a local union's jurisdiction, interfering with a local union's autonomy, or penalizing a local union official or member of the local.

In February 1994, the Board was given jurisdiction over collective bargaining in the public service through the enactment of the *Crown Employees Collective Bargaining Act, 1993*. "CECBA" provided Crown employees with the right to strike, along with provisions to ensure that essential services would be maintained during a strike or lock-out. The *Public Service Act* was amended to provide a new scheme governing political activity of Crown employees, and to give the Board jurisdiction over some complaints that employees suffered adverse consequences for engaging in permitted political activity.

In June 1994, collective bargaining in the agricultural and horticultural industries was introduced, then repealed the following year.

In November 1995, *the Labour Relations and Employment Statute Law Amendment Act, 1995* ("Bill 7") repealed the *Labour Relations Act* and enacted the *Labour Relations Act, 1995*, reversing many of the recently made amendments: bargaining units that were combined were automatically divided unless the employer and union agreed otherwise. Bargaining rights and collective agreements covering professionals to whom the Act's coverage had been extended were terminated. Security guards were given only limited access to broader workplace bargaining units.

Significant changes were made to the certification process. The card-based certification system was eliminated and replaced with a vote-based scheme. The Board is required to hold a representation vote in certification applications where at least 40 percent of employees in the proposed bargaining unit appear to be members of the applicant union, and is required to hold the vote within five days of the application unless the Board directs otherwise. The amendments impose an automatic one-year bar on a union against re-applying for the employees in the original application if it loses a certification vote or withdraws its application after the vote is held. The bar is discretionary if the union withdraws its application before the vote is held. The Board may now refuse to certify a union if it contravenes the Act such that the true wishes of employees about being represented by the union are not likely able to be ascertained and no other remedy would counter the effects of the contravention.

The amendments lowered the level of support that is required to get a vote in a termination application from 45 percent of employees in the bargaining unit to 40 percent. The requirement that the evidence in support of a termination application be proven to be voluntary was removed, but the Board may dismiss an application if the employer or person acting on behalf of the employer initiated the application or engaged in threats, coercion or intimidation in connection with the application.

The Act now stipulates that a collective agreement does not take effect until it is ratified by a vote of the employees in the bargaining unit (unless the agreement is an arbitrated contract, the result of a last offer vote, or involves construction industry employees). Similarly, except in the construction industry, a strike is not lawful unless a vote is held among the employees and a majority of voters support it.

The amendments also established a new process for adjudicating duty of fair representation and referral complaints.

In the fall of 1996, the Ministry of Labour transferred the jurisdiction of the then Office of Adjudication to the Labour Board. This meant that the administration of appeals under the *Employment Standards Act* and the *Occupational Health and Safety Act* was handled by the Board, and the Board's Vice-Chairs were duly appointed to hear and determine such appeals.

In October 1997, the Legislature passed the *Public Sector Dispute Resolution Act, 1997* and the *Public Sector Labour Relations Transition Act, 1997* ("Bill 136") and the *Education Quality Improvement Act, 1997* ("Bill 160"). Bill 136 established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring. Bill 160 repealed the *School Boards and Teachers Collective Negotiations Act* and replaced it with collective bargaining under the *Labour Relations Act, 1995* (with some specific modifications).

In June 1998, the *Economic Development and Workplace Democracy Act, 1998* ("Bill 31") brought further changes to the *Labour Relations Act, 1995*. Employers could

challenge the appropriateness of a bargaining unit or a union's estimates of the number of individuals in a proposed bargaining unit. The Act also removed the Board's ability to certify a trade union despite the unsuccessful result of a representation vote. Further, the Act gave legislative endorsement to the administrative merger of the Office of Adjudication with the Ontario Labour Relations Board. Adjudicators and referees were eliminated and the Board was given full authority to mediate and adjudicate appeals under the ESA and the OHSA.

IV BOARD PUBLICATIONS

The Ontario Labour Relations Board is responsible for the following publications:

The **Ontario Labour Relations Board Reports**: A bimonthly publication of selected Board decisions, statistics, and other information on proceedings before the Board.

A Guide to the Labour Relations Act, 1995: A booklet explaining in layperson's terms the provisions of the *Labour Relations Act, 1995* and the Board's practices. This publication is revised periodically to reflect current law and Board practices. The Guide is available in both English and French.

Highlights: A monthly publication containing scope notes of significant Board decisions. This publication also contains Board notices of interest to the labour relations community and information regarding new appointments or other developments at the Board.

Rules of Procedure: A complete list of the Board's rules of practice pertaining to all types of applications before the Board. The Rules also contain handy reference charts outlining delivery and filing timelines and requirements.

Information Bulletins: A series of procedural descriptions providing information on the Board's practices and procedures in a variety of applications.

Pamphlets: The Board has published one pamphlet: "Rights of Employees, Employers and Trade Unions".

These publications are edited or written and maintained by the Solicitors' Office.

All of the Board's publications may be obtained by calling, writing or visiting the Board's offices. The Ontario Labour Relations Board Reports are available through annual subscriptions. Individual copies of the Reports may be purchased at the Government of Ontario Bookstore. Order forms and prices for subscriptions are available from the Board.

V STAFF AND BUDGET 1999-2000

At the end of the fiscal year 1999-2000, the Board employed a total of 119 persons. The Board has two types of employees. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant-Governor in Council. The administrative, field, legal and support staff are civil service appointees.

The total budget of the Ontario Labour Relations Board for the 1999-2000 fiscal year was $12 million.

VI CASELOAD 1999-2000

In fiscal year 1999-2000, the Board received a total of 3,961 applications and complaints.

In addition to the cases received, 2,341 were carried over from the previous year for a total caseload of 6,302 in 1999-2000. Of the total caseload, 3,466 or 55.0 percent, were disposed of during the year; proceedings in 729 were adjourned sine die* (without a fixed date for further action) at the request of the parties; and 2,107 were pending in various stages of processing at March 31, 2000.

The total number of cases processed during the year produced an average workload of 350 cases for the Board's full-time chair, alternate chair, and vice-chairs, and the total disposition represented an average output of 192 cases.

Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

In 1999-2000, of the five major categories of cases, the Board's labour relations officers were assigned a total of 2,382 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 37.8 percent of the Board's total caseload, and included 690 certification applications, 14 cases concerning the status of individuals as employees under the Act, 832 complaints of alleged contravention of the Act, 785 grievances under construction industry collective agreements, and 57 complaints under the *Occupational Health and Safety Act.* (Table 3)

The labour relations officers completed activity in 1,308 of the assignments, obtaining settlements in 1,163 or 88.9 percent. They referred 145 cases to the Board for decisions; proceedings were adjourned sine die in 380 cases; and settlement efforts were continuing in the remaining 694 cases at March 31, 2000.

Representation Votes

In 1999-2000, the Board's returning officers conducted a total of 705 representation votes among employees in one or more bargaining units. Of the 705 votes conducted, 641 involved certification applications, and 64 were held in applications for termination of existing bargaining rights. (Table 5)

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* ***The Board regards sine die cases as disposed of, although they are kept on docket for one year.***

Of the certification votes, 630 involved a single union on the ballot, and 11 involved 2 unions.

A total of 39,931 employees were eligible to vote in the 705 elections that were conducted, of whom 32,914 or 82.4 percent cast ballots. Of those who participated, 48.4 percent voted in favour of union representation. In the 630 elections in certification applications that involved a single union, 82.1 percent of the eligible voters cast ballots, with 48.4 percent of the participants voting for union representation.

In the 64 votes in applications for termination of bargaining rights, 84.8 percent of the eligible voters cast ballots, with only 32.7 percent of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 31 requests dealt with by the Board during the fiscal year, three cases were granted, four cases were settled, 12 cases were dismissed, and the remaining 12 cases were pending at March 31, 2000.

In the three votes held, employees accepted the employer's offer by 138 votes in favour to 91 against.

Disposition Time – Major Categories

Table 7 provides statistics on the time taken by the Board to process the 3,466 cases disposed of in 1999-2000. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

A median of 79 days was taken to proceed from filing to disposition for the 3,466 cases that were completed in 1999-2000, compared with 75 days in 1998-99; 567 certification applications were processed in a median of 26 days, compared with 27 days in 1998-99; 784 complaints of contravention of the Act took 104 days, compared with 80 days in 1998-99; and 491 referrals of construction industry grievances required 20 days, same as in 1998-99. The median time for the total of all other cases, 1,624, decreased to 141 days from 155 in 1998-99.

Fifty-one point three percent (51.3) of all dispositions were accomplished in 84 days (3 months) or less, compared with 82.4 percent for certification applications, 44.0 percent for complaints of contravention of the Act, 77.8 percent for referrals of construction industry grievances, and 36.0 percent for the total of all other types of cases. The number of cases requiring more than 168 days (6 months) to complete increased to 1,175 from 1,058 in 1998-99. (Table 7)

Certification of Bargaining Agents

In 1999-2000, the Board received 700 applications for certification of trade unions as bargaining agents of employees, an increase of 1.2 percent from 1998-99. (Table 1)

Ten unions, each with more than 25 applications, accounted for 70.0 percent of the total filings: Canadian Auto Workers (127 cases), Labourers (55 cases), Teamsters (51 cases), Canadian Union of Public Employees (CUPE) (43 cases), Carpenters (43 cases), Food and Commercial Workers (40 cases), Service Employees International (39 cases), United Steelworkers (33 cases), Ontario Public Service Employees (30 cases), and Electrical Workers (IBEW) (29 cases). In contrast, 12 unions filed fewer than 5 applications each. These unions together accounted for 2.7 percent of the total certification filings. (Table 8)

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 83.3 percent of the applications received, concentrated in construction (149 cases) and health and welfare services (149 cases). These two groups comprised 51.1 percent of the total non-manufacturing applications. The 117 applications involving establishments in manufacturing industries comprised 16.7 percent of the new applications.

In addition to the 700 applications received, 180 cases were carried over from last year, making a total certification caseload of 880 in 1999-2000. Of the total caseload, 567 were disposed of, proceedings were adjourned sine die in 39 cases, and 274 cases were pending at March 31, 2000. Of the 567 dispositions, certification was granted in 313 cases; 195 cases were dismissed; and 59 cases were settled or withdrawn. The certified cases represented 55.2 percent of the total dispositions. (Table 1)

Of the 508 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 512 votes conducted, 496 involved a single union on the ballot, and 16 were held between two unions. Applicants won in 318 of the votes and lost in the other 194. (Table 6)

A total of 32,597 employees were eligible to vote in the 512 elections, of whom 26,356 or 80.8 percent cast ballots. In the 318 votes that were won and resulted in certification, 16,102 or 77.0 percent of the 20,897 employees eligible to vote cast ballots, and of these voters, 9,879 or 61.3 percent favoured union representation. In the 194 elections that were lost and resulted in dismissals, 10,254 employees participated, and, of these, 3,013 or 29.4 percent voted for union representation.

Size and Composition of Bargaining Units

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1999-2000. The average size of the 315 bargaining units in the 313 applications that were certified was 63 employees, compared with 66 employees in 1998-99. The 57 units in construction certifications averaged seven employees, and the 258 units in non-construction certifications averaged 75 employees. Sixty-nine point six (69.6) percent of the total certification applications involved units of fewer than 40 employees, and 35.1 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted decreased to 19,763 from 27,299 in 1998-99. (Table 10)

Of the employees covered by the certification applications granted, 3,671, or 18.6 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 281 employees. Full-time and part-time employees were represented in units covering 15,811 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13)

Sixty-eight point one (68.1) percent of the employees, or 13,469, were employed in production and related occupations; 1,001 were in office, clerical and technical occupations - mainly in education and related services. Professional employees, found mostly in health and welfare services, accounted for 499 employees; and 4,788 were in units that included employees in two or more classifications. (Tables 14 and 15)

Disposition Time – Certifications Granted

A median time of 27 calendar days was required to complete the 313 certification applications granted from receipt to disposition. For non-construction certification, the median time was 26 days for 256 cases; and for construction certification, the median time was 34 days for 57 cases. (Table 11)

Eighty-six point three percent (86.3) of the 313 certification applications granted were disposed of in 84 days (3 months) or less, 82.4 percent took 56 days (2 months) or less, 56.2 percent required 28 days (one month) or less, and 34.2 percent were processed in 21 days (3 weeks) or less. Twenty-eight (28) cases required longer than 168 days (6 months) to process, compared to 35 in 1998-99. (Table 11)

Termination of Bargaining Rights

In 1999-2000, the Board received 114 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 66 cases were carried over from 1998-99.

Of the 180 cases processed, bargaining rights were terminated in 55 cases, 46 cases were dismissed, 16 cases were settled, proceedings were adjourned sine die in eight cases, and 55 cases were pending at March 31, 2000.

Sixty representation votes were held on 101 cases that were either granted or dismissed. A total of 2,798 employees were eligible to vote in the 60 elections that were held, of whom 2,116 or 75.6 percent cast ballots. Of those who cast ballots, 187 voted for continued representation by unions and 395 voted against. (Table 6).

Declaration of Successor Trade Union

In 1999-2000, the Board dealt with 163 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction. Affirmative declarations were issued by the Board in 115 cases, one case was settled, two cases were dismissed, six cases were withdrawn, and the remaining 39 cases were pending at March 31, 2000.

Declaration of Successor or Common Employer

In 1999-2000, the Board dealt with 377 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 29 cases, 99 cases were settled, 15 were dismissed, proceedings were adjourned sine die in 34 cases, and 200 cases were pending at March 31, 2000.

Declaration/Direction of Unlawful Strike

In 1999-2000, the Board dealt with 26 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. Nine cases were settled, two cases were granted, one case was dismissed, two cases were terminated, two cases were withdrawn, proceedings were adjourned sine die in four cases, and the remaining six cases were pending at March 31, 2000.

Two applications were dealt with seeking directions under section 100 regarding alleged unlawful strikes by employees in non-construction industries. One case was settled, and the remaining case was adjourned sine die.

The Board dealt with 16 applications seeking directions under section 144 of the Act against alleged unlawful strikes by construction workers - 12 were new applications, and four cases were carried over from 1998-99. Of these, five cases were settled, one application

was granted, one case was withdrawn, proceedings were adjourned sine die in six cases and the remaining three were pending at March 31, 2000.

Declaration/ Direction of Unlawful Lock-out

One application seeking a declaration under section 101 of the Act regarding an alleged unlawful lock-out by construction employers was processed in 1999-2000; the case was adjourned sine die.

Eight applications were processed seeking a direction under section 101 of the Act regarding an alleged unlawful lock-out by non-construction employers. Five cases were settled, one case was dismissed, another was adjourned sine die, and the remaining case was pending at March 31, 2000.

Two applications seeking a declaration under section 144 of the Act regarding an alleged unlawful lock-out in the construction industry. One case was dismissed, and the other was terminated.

Consent to Prosecute

In 1999-2000, the Board dealt with eight applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the eight applications processed, four were settled, one case was adjourned sine die, and the remaining three cases were pending at March 31, 2000.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1999-2000, the Board received 901 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 652 cases were carried over from 1998-99. Of the 1,553 cases processed, 784 were disposed of, proceedings were adjourned sine die in 165 cases, and 604 cases were pending at March 31, 2000.

In 483, or 61.6 percent, of the 784 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 20 cases, 275 cases were dismissed, five cases were withdrawn, and one case was terminated. (Table 1)

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages voluntary settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 1999-2000, the Board received 782 cases under this section, a decrease of 26.1 percent over the previous year. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 254 were carried over from 1998-99. Of the total 1,036 processed, 491 were disposed of; of these, awards were made by the Board in 111 cases, 12 cases were dismissed, two cases were withdrawn, one case was terminated, proceedings were adjourned sine die in 351 cases, and 194 were pending at March 31, 2000.

In 365, or 74.3, percent of the 491 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4).

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption – Exemption from Union Security Provision in Collective Agreement

Eight applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Three applications were settled, one case was granted, proceedings were adjourned sine die in two cases, and the remaining two applications were pending at March 31, 2000.

Early Termination of Collective Agreements

Ten (10) applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in eight cases, one case was withdrawn, and the other was pending at March 31, 2000.

Union Financial Statements

Seventeen (17) complaints were dealt with under section 92 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. Five applications were settled, and the remaining 12 were pending at March 31, 2000.

Jurisdictional Disputes

Fifty-four (54) complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in nine cases, one case was settled, one case was dismissed, two cases were withdrawn, one case was terminated, seven cases were adjourned sine die, and 33 cases were pending at March 31, 2000.

Determination of Employee Status

The Board dealt with 41 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Fourteen (14) cases were settled by the parties in discussions with labour relations officers. One case was withdrawn, one was terminated, and proceedings were adjourned sine die in four cases. The remaining 21 cases were pending at March 31, 2000.

Referrals by Minister of Labour

In 1999-2000, the Board dealt with ten cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. Two applications were granted, one was dismissed, two cases were withdrawn, proceeding was adjourned sine die in one case, and the remaining four cases were pending at March 31, 2000.

The Board also dealt with nine cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act.* Two cases were granted, one was dismissed, three were settled, one was adjourned sine die, and the remaining two were pending at March 31, 2000.

Trusteeship Reports

Seven statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

First Agreement Arbitration

In 1999-2000, the Board processed 21 applications for directions to settle first agreements by arbitration. Two directions were issued, seven cases were settled, one case was terminated, proceedings were adjourned sine die in four cases, and seven cases were pending at March 31, 2000.

Determination of Sector in the Construction Industry

Four applications were dealt with by the Board under section 166 asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. One case was granted, another was dismissed, the other was adjourned sine die, and the remaining case was pending at March 31, 2000.

Occupational Health and Safety Act

In 1999-2000, the Board received 59 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Forty-four (44) cases were carried over from 1998-99.

Of the total 103 cases processed, 55 cases were disposed of. Of these, 40 cases were settled by the parties in discussions with labour relations officers (Table 4). Two cases were granted, 12 cases were dismissed, one case was withdrawn, proceedings were adjourned sine die in six cases, and the remaining 42 were pending at March 31, 2000.

Colleges Collective Bargaining Act

Two complaints were dealt with under section 77 of the *Colleges Collective Bargaining Act* in 1999-2000. One case was granted, and the other was pending at March 31, 2000.

Two applications were dealt with under section 82 of the Act for decisions on the status of individuals as employees under the Act. Both cases were pending at March 31, 2000.

Statistics on the cases under the *Colleges Collective Bargaining Act* dealt with by the Board are included in Table 1.

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay.

The Board dealt with 1,232 appeals during 1999-2000. Of the 780 cases that were disposed of, 59 were granted, 240 were dismissed, 432 cases were settled, 46 were terminated, and three were withdrawn. Proceedings were adjourned sine die in 35 cases, and 417 cases were pending at March 31, 2000. (Table 1)

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

Four hundred and thirty-two (432) appeals were dealt with by the Board in 1999-2000. Of the 232 cases that were disposed of, 10 appeals were granted, 31 were dismissed, 158 cases were settled, 15 were withdrawn, and 18 were terminated. Proceedings were adjourned sine die in 54 cases, and 146 cases were pending at March 31, 2000. (Table 1)

Applications under The Public Sector Labour Relations Transitions Act, 1997

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 1999-2000, the Board received 32 applications under *the Public Sector Labour Relations Transition Act, 1997.* Thirty (30) applications were carried over from the previous year.

Representation votes were held to determine the appropriate bargaining agent and unit(s) in 31 of the 46 cases disposed. Of the 62 cases processed, 22 cases were granted, 13 were dismissed, 11 were settled, three were adjourned sine die, and 13 were pending at March 31, 2000

VII COURT ACTIVITY 1999-2000

During the fiscal year 1999-2000, the Superior Court of Justice (Divisional Court) dealt with fourteen applications for judicial review. Nine of those applications were dismissed, three were allowed, one was allowed in part, and one was withdrawn. The Court dismissed motions to stay the Board's rulings in three applications; two were subsequently dismissed, the third remains outstanding. One motion to quash a Board ruling was dismissed by the Divisional Court; that matter subsequently settled.

The Ontario Court of Appeal allowed one appeal from a Divisional Court decision, granted leave to appeal in three matters and denied leave in two other matters.

The Supreme Court of Canada dismissed one motion for leave to appeal from a Court of Appeal decision.

Nineteen new applications for judicial review were received during the fiscal year.

On March 31, 2000, there were twenty-eight Labour Board matters pending before the three levels of Court.

All Court decisions relating to matters involving the Ontario Labour Relations Board are reported in the Board's bimonthly Reports.

VIII STATISTICAL TABLES 1999-2000

The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1999-2000.

Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1999-2000.

Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1995-96 to 1999-2000.

Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1999-2000.

Table 4: Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1999-2000.

Table 5: Results of Representation Votes Conducted, Fiscal Year 1999-2000.

Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1999-2000.

Table 7: Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1999-2000.

Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1999-2000.

Table 9: Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1999-2000.

Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1999-2000.

Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1999-2000.

Table 12: Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1999-2000.

Table 13: Breakdown of Full-time and Part-time Employees by Certified Bargaining Units, by Union, Fiscal Year 1999-2000.

Table 14: Occupational Groups in Certified Bargaining Units, by Industry, Fiscal Year 1999-2000.

Table 15: Occupational Groups in Certified Bargaining Units, by Union, Fiscal Year 1999-2000.

Table 16: Certification Cases to Vote, with Application Dates between November 10, 1995 and June 30, 2000.

Table 17: New Certification Applications Received, by Quarter, April 1, 1990 to March 31, 2000, plus Graph (17A).

Table 18: Termination Cases to Vote, with Application Dates between November 10, 1995 and June 30, 2000.

Table 19: New Termination Applications Received by Quarter, April 1, 1990 to March 31, 2000 plus Graph (19A).

Table 20: New Unfair Labour Practice Applications Received by Quarter, April 1, 1990 to March 31, 2000 plus Graph (20A).

Table 21: New Construction Industry Grievance Applications Received, by Quarter, April 1, 1990 to March 31, 2000 plus Graph (21A).

Table 1

Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 1999-2000

Type of Case	Caseload			Disposed of Fiscal Year 1999-00							
	Total	Pending April 1, 1999	Received Fiscal Year 1999-00	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled	Sine Die	Pending March 31, 2000
Total	6302	2341	3961	3466	767	861	72	49	1717	729	2107
CERTIFICATION OF BARGAINING AGENTS	880	180	700	567	313	195	0	8	51	39	274
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	160	66	114	117	55	46	0	0	16	8	55
TERMINATION OF ACCREDITATION	7	2	5	0	0	0	0	0	0	0	7
DECLARATION OF SUCCESSOR TRADE UNION	163	6	157	124	115	2	0	6	1	0	39
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	377	205	172	143	29	15	0	0	99	34	200
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	44	12	32	24	3	1	2	3	15	11	9
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	11	4	7	8	0	2	1	0	5	2	1
CONSENT TO PROSECUTE	8	4	4	4	0	0	0	0	4	1	3
CONTRAVENTION OF ACT	1553	652	901	784	20	275	1	5	483	165	604
RIGHT OF ACCESS	1	1	0	0	0	0	0	0	0	0	1
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	8	7	1	4	1	0	0	0	3	2	2
EARLY TERMINATION OF COLLECTIVE AGREEMENT	10	0	10	9	8	0	0	1	0	0	1
TRADE UNION FINANCIAL STATEMENT	17	9	8	5	0	0	0	0	5	0	12
JURISDICTIONAL DISPUTE	54	25	29	14	9	1	1	2	1	7	33
REFERRAL ON EMPLOYEE STATUS	41	24	17	16	0	0	1	1	14	4	21
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	19	7	12	11	4	2	0	2	3	2	6
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1036	254	782	491	111	12	1	2	365	351	194
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	103	44	59	55	2	12	0	1	40	6	42
ENVIRONMENTAL PROTECTION ACT	3	0	3	0	0	0	0	0	0	0	3
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	1	0	0	0	0	0	0	0	1
FIRST AGREEMENT ARBITRATION DIRECTION	21	8	13	10	2	0	1	0	7	4	7
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	4	2	2	2	1	1	0	0	0	1	1
FINAL OFFER VOTE**	31	4	27	19	3	12	0	0	4	0	12
FIRE PROTECTION AND PREVENTION ACT	2	0	2	0	0	0	0	0	0	0	2
EMPLOYMENT STANDARDS ACT (APPEAL)	1232	574	658	780	59	240	46	3	432	35	417
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	432	220	212	232	10	31	18	15	158	54	146
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT	62	30	32	46	22	13	0	0	11	3	13
PROJECT AGREEMENT APPLICATION	2	1	1	1	0	1	0	0	0	0	1

*Includes cases in which a request was granted or a determination made by the Board.

**For Final Offer Votes, "Granted" indicates that offer was accepted and "Dismissed" indicates a rejection.

Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1995-96 to 1999-2000

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	1995-96	1996-97	1997-98	1998-99	1999/00	Total	1995-96	1996-97	1997-98	1998-99	1999/00
Total	22084	4233	4366	5023	4501	3961	15917	2854	2904	3225	3568	3466
CERTIFICATION OF BARGAINING AGENTS	3,605	797	683	733	692	700	3,312	760	656	664	665	567
COMBINATION OF BARGAINING UNITS	138	138	0	0	0	0	126	115	10	1	0	0
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	889	251	193	168	163	114	805	154	228	151	155	117
TERMINATION OF ACCREDITATION	9	2	1	0	1	5	2	1	1	0	0	0
DECLARATION OF SUCCESSOR TRADE UNION	254	64	0	28	5	157	214	51	12	26	1	124
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1,067	234	241	228	192	172	766	163	143	193	124	143
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	0	0	0	0	0	0	0	0	0	0	0	0
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	168	21	33	35	47	32	87	9	25	13	16	24
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	36	5	11	6	7	7	24	3	6	4	3	8
CONSENT TO PROSECUTE	22	4	5	3	6	4	14	3	0	5	2	4
CONTRAVENTION OF ACT	5,001	1,111	966	999	1,024	901	3,877	806	807	728	752	784
RIGHT OF ACCESS	4	1	0	3	0	0	2	1	0	1	0	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	38	14	12	3	8	1	35	8	13	7	3	4
EARLY TERMINATION OF COLLECTIVE AGREEMENT	80	24	12	20	14	10	79	25	12	18	15	9
TRADE UNION FINANCIAL STATEMENT	30	6	7	6	3	8	16	5	4	2	0	5
JURISDICTIONAL DISPUTE	150	32	32	35	22	29	100	20	22	23	21	14
REFERRAL ON EMPLOYEE STATUS	125	35	27	19	27	17	102	28	22	17	19	16
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	54	6	15	10	11	12	45	10	8	12	4	11
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	5,382	1,335	1,180	1,026	1,059	782	2,661	576	589	532	473	491
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	503	110	141	106	87	59	411	72	110	92	82	55
ENVIRONMENTAL PROTECTION ACT	4	1	0	0	0	3	3	3	0	0	0	0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	2	0	1	0	0	1	1	0	1	0	0	0
FIRST AGREEMENT ARBITRATION DIRECTION	75	15	18	14	15	13	49	12	9	11	7	10
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	6	0	0	1	3	2	6	2	1	0	1	2
FINAL OFFER VOTE	115	26	26	17	19	27	103	27	24	15	18	19
FIRE PROTECTION AND PREVENTION ACT	2	0	0	0	0	2	0	0	0	0	0	0
EMPLOYMENT STANDARDS ACT (APPEAL)	3,127	1	519	1,191	758	658	2,285	0	188	485	832	780
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	984	0	243	341	188	212	608	0	13	225	138	232
COMPLAINT UNDER FAIRNESS FOR PARENTS AND EMPLOYEES ACT	1	0	0	1	0	0	1	0	0	0	1	0
EDUCATION QUALITY IMPROVEMENT ACT APPLICATION	23	0	0	1	22	0	17	0	0	0	17	0
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	187	0	0	29	126	32	165	0	0	0	119	46
PROJECT AGREEMENT APPLICATION	2	0	0	0	1	1	1	0	0	0	0	1
APPLICATION FOR VOTE UNDER COMMUNITY SMALL BUSINESS INVESTMENT FUNDS, MINISTRY OF FINANCE	1	0	0	0	1	0	0	0	0	0	0	0

Table 3

Labour Relations Officer Activity in Cases Processed *

Fiscal Year 1999-2000

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
		Settled			Referred to Board	Sine Die	Pending
		Total	Number	Percent			
Total	2,382	1,308	1,163	88.9	145	380	694
CERTIFICATION OF BARGAINING AGENTS	690	466	401	86.1	65	18	206
CONTRAVENTION OF ACT	832	414	389	94.0	25	65	353
REFERRAL ON EMPLOYEE STATUS	14	4	4	100.0	0	1	9
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	785	396	344	86.9	52	294	95
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	57	28	25	89.3	3	2	27
ENVIRONMENTAL PROTECTION ACT	3	0	0	0.0	0	0	3
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	0	0.0	0	0	1

* Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

Table 4

Labour Relations Officer Settlements in Cases Disposed of * Fiscal Year 1999-2000

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1346	902	67.0
CONTRAVENTION OF ACT	784	483	61.6
REFERRAL ON EMPLOYEE STATUS	16	14	87.5
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	491	365	74.3
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	55	40	72.7

* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.

Table 5

Results of Representation Votes Conducted * Fiscal Year 1999-2000

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	705	39931	32914	15938
Certification	641	37565	30907	15281
Regular cases				
One union	484	34,927	28,254	14,131
Two unions	10	953	822	709
Construction cases				
One union	146	1,677	1,814	433
Two unions	1	8	17	8
Termination of Bargaining Rights				
One union	64	2,366	2,007	657

* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 6

Results of Representation Votes in Cases Disposed of *

Fiscal Year 1999-2000

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Union		
				In Votes			In Votes			In Votes		
	Total	Appl. Won	Appl. Lost	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	572	361	211	35395	22732	12663	28472	17380	11092	13474	10066	3408
Certification	512	318	194	32597	20897	11700	26356	16102	10254	12892	9879	3013
Regular cases												
One union	398	252	146	29,527	18,887	10,640	23,788	14,576	9,212	11,265	8,553	2,712
Two unions	10	7	3	1,818	1,591	227	1,265	1,072	193	1,150	1,032	118
Construction cases												
One union	98	56	42	1,198	397	801	1,240	423	817	433	275	158
Two unions	6	3	3	54	22	32	63	31	32	44	19	25
Termination												
One union	60	43	17	2,798	1,835	963	2,116	1,278	838	582	187	395

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 7

Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1999-2000

Time Taken (Calendar Days)	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievance Cases		All Other Cases	
	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent
Total	3466	100.0	567	100.0	784	100.0	491	100.0	1624	100.0
Under 8 days	96	2.8	29	5.1	18	2.3	11	2.2	38	2.3
8-14 days	205	8.7	13	7.4	23	5.2	139	30.5	30	4.2
15-21 days	367	19.3	176	38.4	29	8.9	108	52.5	54	7.5
22-28 days	218	25.6	102	56.4	26	12.2	33	59.3	57	11.0
29-35 days	149	29.9	57	66.5	28	15.8	22	63.7	42	13.6
36-42 days	122	33.4	21	70.2	38	20.7	20	67.8	43	16.3
43-49 days	117	36.8	26	74.8	29	24.4	17	71.3	45	19.0
50-56 days	99	39.6	20	78.3	32	28.4	9	73.1	38	21.4
57-63 days	172	44.6	11	80.2	33	32.7	6	74.3	122	28.9
64-70 days	76	46.8	3	80.8	25	35.8	9	76.2	39	31.3
71-77 days	93	49.5	3	81.3	43	41.3	5	77.2	42	33.8
78-84 days	65	51.3	6	82.4	21	44.0	3	77.8	35	36.0
85-91 days	53	52.9	3	82.9	15	45.9	3	78.4	32	38.0
92-98 days	61	54.6	5	83.8	17	48.1	3	79.0	36	40.2
99-105 days	53	56.1	6	84.8	17	50.3	0	79.0	30	42.0
106-126 days	133	60.0	5	85.7	32	54.3	12	81.5	84	47.2
127-147 days	112	63.2	6	86.8	37	59.1	5	82.5	64	51.
148-168 days	100	66.1	9	88.4	29	62.8	5	83.5	57	54.7
Over 168 days	1175	100.0	66	100.0	292	100.0	81	100.0	736	100.0

ESA
OSHA
not reported
seperately

Table 8

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 1999-2000

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed	Withdrawn
All Unions	700	567	313	199	55
BAKERY AND TOBACCO WORKERS	3	2	0	1	1
BOILERMAKERS	1	1	1	0	0
BREWERY AND SOFT DRINK WORKERS	2	2	2	0	0
BRICKLAYERS INTERNATIONAL	8	6	3	3	0
CANADIAN AUTO WORKERS	127	42	21	18	3
CANADIAN OPERATING ENGINEERS	9	10	7	3	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	43	40	29	7	4
CARPENTERS	43	36	14	11	11
CHRISTIAN LABOUR ASSOCIATION	20	19	10	9	0
CLOTHING AND TEXTILE WORKERS	1	2	1	1	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	11	10	6	3	1
ELECTRICAL WORKERS (IBEW)	29	23	14	7	2
FOOD AND COMMERCIAL WORKERS	40	44	23	19	2
FOOD AND SERVICE WORKERS	5	5	2	3	0
GLASS, POTTERY AND PLASTIC WKRS.	1	0	0	0	0
GRAPHIC COMMUNICATION UNION	5	6	2	2	2
HOTEL EMPLOYEES	9	11	7	4	0
INDEPENDENT LOCAL UNION	2	1	0	1	0
INTERNATIONAL OPERATING ENGINEERS	20	14	1	10	3
IWA - CANADA	19	15	8	5	2
LABOURERS	55	49	27	17	5
MACHINISTS	5	6	5	1	0
NEWSPAPER GUILD	7	5	3	1	1
OFFICE AND PROFESSIONAL EMPLOYEES	1	1	1	0	0
ONTARIO NURSES ASSOCIATION	8	7	6	1	0
ONTARIO PUBLIC SERVICE EMPLOYEES	30	31	22	7	2
ONTARIO SECONDARY SCHOOL TEACHERS	2	3	3	0	0
PAINTERS	5	3	3	0	0
PLANT GUARD WORKERS	0	0	0	0	0
PLASTERERS	0	1	0	1	0
PLUMBERS	7	10	7	3	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	2	2	1	1	0
RETAIL WHOLESALE EMPLOYEES	6	4	0	4	0
SEAFARERS	2	0	0	0	0
SERVICE EMPLOYEES INTERNATIONAL	39	38	24	11	3
SHEET METAL WORKERS	6	6	4	2	0
TEAMSTERS	51	43	22	18	3
THEATRICAL STAGE EMPLOYEES	6	5	1	1	3
TRANSIT UNION (CANADIAN)	1	1	0	1	0
TRANSIT UNION (INTL.)	1	0	0	0	0
UNITED STEELWORKERS	33	37	19	14	4
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	35	26	14	9	3

Table 9

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 1999-2000

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed	Withdrawn
All Industries	700	567	313	199	55
Manufacturing	117	113	59	46	8
CHEMICALS	1	1	0	1	0
CLOTHING	3	3	0	2	1
ELECTRICAL PRODUCTS	2	3	2	1	0
FABRICATED METALS	10	10	6	3	1
FOOD, BEVERAGES	22	20	10	9	1
FURNITURE, FIXTURES	2	3	3	0	0
MACHINERY	3	4	3	1	0
NON-METALLIC MINERALS	5	2	1	1	0
PAPER	5	4	3	1	0
PETROLEUM, COAL	1	1	1	0	0
PRIMARY METALS	4	4	1	3	0
PRINTING, PUBLISHING	12	10	4	4	2
RUBBER, PLASTICS	8	8	5	3	0
TEXTILES	3	3	3	0	0
TRANSPORTATION EQUIPMENT	12	12	6	6	0
WOOD	5	8	4	3	1
OTHER MANUFACTURING	19	17	7	8	2
Non-Manufacturing	583	454	254	153	47
ACCOMODATION, FOOD SERVICES	38	38	19	15	4
CONSTRUCTION	149	118	57	44	17
EDUCATION, RELATED SERVICES	9	15	11	3	1
ELECTRIC, GAS, WATER	7	7	5	2	0
FINANCE, INSURANCE CARRIERS	1	1	1	0	0
HEALTH, WELFARE SERVICES	149	110	80	22	8
LOCAL GOVERNMENT	11	10	6	3	1
MANAGEMENT SERVICES	1	1	0	1	0
PERSONAL SERVICES	8	11	6	4	1
REAL ESTATE, INSURANCE AGENCIES	5	3	3	0	0
RECREATIONAL SERVICES	18	15	4	7	4
RETAIL TRADE	26	28	10	16	2
SCHOOL BOARD	1	1	1	0	0
STORAGE	8	8	3	5	0
TRANSPORTATION	7	7	3	4	0
WHOLESALE TRADE	3	3	1	2	0
OTHER SERVICES	142	78	44	25	9

Table 10

Size of Bargaining Units in Certification Applications Granted Fiscal Year 1999-2000

	Total		Construction**		Non-Construction	
Employee size*	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	313	19,763	57	393	256	19,370
0-9 employees	110	548	47	193	63	355
10-19 employees	58	828	7	90	51	738
20-39 employees	50	1,387	1	27	49	1,360
40-99 employees	58	3,672	2	83	56	3,589
100-199 employees	21	2,859	0	0	21	2,859
200-499 employees	10	3,276	0	0	10	3,276
500 employees or more	6	7,193	0	0	6	7,193

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 315 bargaining units were certified in the 313 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 11

Time Required to Process Certification Applications Granted*
Fiscal Year 1999-2000

Calendar Days (including adjournments Requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	313	100.0	256	100.0	57	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	2	0.6	2	0.8	0	0.0
15-21 days	105	34.2	89	35.5	16	28.1
22-28 days	69	56.2	58	58.2	11	47.4
29-35 days	42	69.6	38	73.0	4	54.4
36-42 days	11	73.2	9	76.6	2	57.9
43-49 days	18	78.9	13	81.6	5	66.7
50-56 days	11	82.4	11	85.9	0	66.7
57-63 days	6	84.3	6	88.3	0	66.7
64-70 days	1	84.7	1	88.7	0	66.7
71-77 days	2	85.3	2	89.5	0	66.7
78-84 days	3	86.3	2	90.2	1	68.4
85-91 days	2	86.9	1	90.6	1	70.2
92-98 days	3	87.9	3	91.8	0	70.2
99-105 days	3	88.8	2	92.6	1	71.9
106-126 days	4	90.1	3	93.8	1	73.7
127-147 days	1	90.4	1	94.1	0	73.7
148-168 days	2	91.1	1	94.5	1	75.4
Over 168 days	28	100.0	14	100.0	14	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 12

Employment Status of Employees in Bargaining Units Certified, by Industry

Fiscal Year 1999-2000

Industry	All Units		Full-Time		Part-Time		Full-Time & Part-Time		All Employees No Exclusions Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	315	19,763	24	3,671	7	281	22	1,100	262	14,711
Manufacturing	59	4,659	7	1,241	2	112	8	572	42	2,734
ELECTRICAL PRODUCTS	2	185	0	0	0	0	0	0	2	185
FABRICATED METALS	6	182	0	0	0	0	0	0	6	182
FOOD, BEVERAGES	10	917	3	604	1	15	1	30	5	268
FURNITURE, FIXTURES	3	477	1	60	0	0	0	0	2	417
MACHINERY	3	211	0	0	0	0	0	0	3	211
NON-METALLIC MINERALS	1	8	0	0	0	0	0	0	1	8
PAPER	3	44	0	0	0	0	1	23	2	21
PETROLEUM, COAL	1	4	0	0	0	0	0	0	1	4
PRIMARY METALS	1	16	0	0	0	0	0	0	1	16
PRINTING, PUBLISHING	4	477	1	300	1	97	1	65	1	15
RUBBER, PLASTICS	5	904	0	0	0	0	1	151	4	753
TEXTILES	3	337	1	265	0	0	0	0	2	72
TRANSPORTATION EQUIPMENT	6	210	0	0	0	0	2	123	4	87
WOOD	4	213	0	0	0	0	2	180	2	33
OTHER MANUFACTURING	7	474	1	12	0	0	0	0	6	462
Non-Manufacturing	256	15,104	17	2,430	5	169	14	528	220	11,977
ACCOMODATION, FOOD SERVICES	19	714	1	16	0	0	3	77	15	621
CONSTRUCTION	57	364	0	0	0	0	0	0	57	364
EDUCATION, RELATED SERVICES	11	2,919	2	210	0	0	1	20	8	2,689
ELECTRIC, GAS, WATER	5	68	0	0	0	0	1	50	4	18
FINANCE, INSURANCE CARRIERS	1	7	0	0	0	0	0	0	1	7
HEALTH, WELFARE SERVICES	82	4,484	9	1,054	4	157	4	222	65	3,051
LOCAL GOVERNMENT	6	2,455	0	0	0	0	1	71	5	2,384
PERSONAL SERVICES	6	71	1	6	1	12	0	0	4	53
REAL ESTATE, INSURANCE AGENCIES	3	21	0	0	0	0	0	0	3	21
RECREATIONAL SERVICES	4	628	0	0	0	0	0	0	4	628
RETAIL TRADE	10	632	2	53	0	0	0	0	8	579
SCHOOL BOARD	1	288	0	0	0	0	0	0	1	288
STORAGE	3	45	0	0	0	0	0	0	3	45
TRANSPORTATION	3	46	0	0	0	0	1	26	2	20
WHOLESALE TRADE	1	27	0	0	0	0	1	27	0	0
OTHER SERVICES	44	2,335	2	1,091	0	0	2	35	40	1,209

Table 13

Breakdown of Full-time and Part-time Employees by Certified Bargaining Units, by Union
Fiscal Year 1999-2000

Union	All Units		Full-Time		Part-Time		Full-Time & Part-Time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	315	19,763	24	3,671	7	261	22	1,100	262	14,711
BOILERMAKERS	1	9	0	0	0	0	0	0	1	9
BREWERY AND SOFT DRINK WORKERS	2	53	0	0	0	0	0	0	2	53
BRICKLAYERS INTERNATIONAL	3	5	0	0	0	0	0	0	3	5
CANADIAN AUTO WORKERS	21	1,124	4	356	0	0	4	236	13	532
CANADIAN OPERATING ENGINEERS	7	147	0	0	0	0	0	0	7	147
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	29	1,815	2	26	2	154	1	183	24	1,452
CARPENTERS	14	136	1	16	0	0	0	0	13	120
CHRISTIAN LABOUR ASSOCIATION	10	330	0	0	0	0	0	0	10	330
CLOTHING AND TEXTILE WORKERS	1	70	0	0	0	0	1	70	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	6	166	1	12	0	0	1	112	4	42
ELECTRICAL WORKERS (IBEW)	14	104	0	0	0	0	0	0	14	104
FOOD AND COMMERCIAL WORKERS	23	769	1	26	1	15	1	11	20	717
FOOD AND SERVICE WORKERS	2	94	0	0	0	0	0	0	2	94
GRAPHIC COMMUNICATION UNION	2	80	0	0	0	0	1	65	1	15
HOTEL EMPLOYEES	7	325	0	0	0	0	1	57	6	268
INTERNATIONAL OPERATING ENGINEERS	1	3	0	0	0	0	0	0	1	3
IWA - CANADA	8	213	0	0	0	0	4	121	4	92
LABOURERS	27	1,877	1	891	0	0	0	0	26	986
MACHINISTS	5	576	0	0	0	0	1	53	4	523
NEWSPAPER GUILD	3	149	0	0	0	0	0	0	3	149
OFFICE AND PROFESSIONAL EMPLOYEES	1	7	0	0	0	0	0	0	1	7
ONTARIO NURSES ASSOCIATION	6	171	0	0	0	0	0	0	6	171
ONTARIO PUBLIC SERVICE EMPLOYEES	22	3,314	2	17	1	15	1	71	18	3,211
ONTARIO SECONDARY SCHOOL TEACHERS	3	342	0	0	0	0	1	20	2	322
PAINTERS	3	16	0	0	0	0	0	0	3	16
PLUMBERS	7	26	0	0	0	0	0	0	7	26
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	12	0	0	0	0	1	12	0	0
SERVICE EMPLOYEES INTERNATIONAL	24	1,406	2	18	1	12	0	0	21	1,376
SHEET METAL WORKERS	4	25	0	0	0	0	0	0	4	25
TEAMSTERS	22	588	0	0	0	0	2	38	20	550
THEATRICAL STAGE EMPLOYEES	1	20	0	0	0	0	0	0	1	20
UNITED STEELWORKERS	19	3,714	7	2,164	0	0	1	27	11	1,523
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	16	2,077	3	145	2	85	1	24	10	1,823

Table 14

Occupational Groups in Certified Bargaining Units, by Industry

Fiscal Year 1999-2000

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Emplys.	Number	Emplys.	Number	Emplys.	Number	Emplys.	Number	Emplys.	Number	Emplys.
All Industries	315	19,763	249	13,469	6	1,001	17	499	2	6	41	4,788
Manufacturing	59	4,659	53	4,439	1	4	0	0	0	0	5	216
ELECTRICAL PRODUCTS	2	185	2	185	0	0	0	0	0	0	0	0
FABRICATED METALS	6	182	6	182	0	0	0	0	0	0	0	0
FOOD, BEVERAGES	10	917	8	779	0	0	0	0	0	0	2	138
FURNITURE, FIXTURES	3	477	3	477	0	0	0	0	0	0	0	0
MACHINERY	3	211	3	211	0	0	0	0	0	0	0	0
NON-METALLIC MINERALS	1	8	1	8	0	0	0	0	0	0	0	0
PAPER	3	44	2	32	0	0	0	0	0	0	1	12
PETROLEUM, COAL	1	4	0	0	1	4	0	0	0	0	0	0
PRIMARY METALS	1	16	1	16	0	0	0	0	0	0	0	0
PRINTING, PUBLISHING	4	477	4	477	0	0	0	0	0	0	0	0
RUBBER, PLASTICS	5	904	5	904	0	0	0	0	0	0	0	0
TEXTILES	3	337	3	337	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	6	210	5	200	0	0	0	0	0	0	1	10
WOOD	4	213	4	213	0	0	0	0	0	0	0	0
OTHER MANUFACTURING	7	474	6	418	0	0	0	0	0	0	1	56
Non-Manufacturing	256	15,104	196	9,030	5	997	17	499	2	6	36	4,572
ACCOMODATION, FOOD SERVICES	19	714	18	710	0	0	0	0	0	0	1	4
CONSTRUCTION	57	364	55	309	1	12	0	0	0	0	1	43
EDUCATION, RELATED SERVICES	11	2,919	4	251	2	912	4	226	0	0	1	1,530
ELECTRIC, GAS, WATER	5	68	4	65	0	0	0	0	1	3	0	0
FINANCE, INSURANCE CARRIERS	1	7	0	0	0	0	0	0	0	0	1	7
HEALTH, WELFARE SERVICES	82	4,484	61	3,622	2	73	12	268	0	0	7	521
LOCAL GOVERNMENT	6	2,455	5	2,398	0	0	0	0	0	0	1	57
PERSONAL SERVICES	6	71	5	64	0	0	0	0	0	0	1	7
REAL ESTATE, INSURANCE AGENCIES	3	21	3	21	0	0	0	0	0	0	0	0
RECREATIONAL SERVICES	4	628	4	628	0	0	0	0	0	0	0	0
RETAIL TRADE	10	632	7	326	0	0	0	0	1	3	2	303
SCHOOL BOARD	1	288	0	0	0	0	0	0	0	0	1	288
STORAGE	3	45	3	45	0	0	0	0	0	0	0	0
TRANSPORTATION	3	46	2	41	0	0	1	5	0	0	0	0
WHOLESALE TRADE	1	27	1	27	0	0	0	0	0	0	0	0
OTHER SERVICES	44	2,335	24	523	0	0	0	0	0	0	20	1,812

Table 15

Occupational Groups in Certified Bargaining Units, by Union
Fiscal Year 1999-2000

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	315	19,763	249	13,469	6	1,001	17	499	2	6	41	4,788
BOILERMAKERS	1	9	1	9	0	0	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	2	53	0	0	0	0	0	0	0	0	2	53
BRICKLAYERS INTERNATIONAL	3	5	3	5	0	0	0	0	0	0	0	0
CANADIAN AUTO WORKERS	21	1,124	17	952	0	0	0	0	0	0	4	172
CANADIAN OPERATING ENGINEERS	7	147	6	143	1	4	0	0	0	0	0	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	29	1,815	18	694	3	895	3	149	0	0	5	77
CARPENTERS	14	136	14	136	0	0	0	0	0	0	0	0
CHRISTIAN LABOUR ASSOCIATION	10	330	7	219	1	12	0	0	0	0	2	99
CLOTHING AND TEXTILE WORKERS	1	70	1	70	0	0	0	0	0	0	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	6	166	3	133	0	0	0	0	1	3	2	30
ELECTRICAL WORKERS (IBEW)	14	104	13	98	0	0	0	0	0	0	1	6
FOOD AND COMMERCIAL WORKERS	23	769	22	654	0	0	0	0	0	0	1	115
FOOD AND SERVICE WORKERS	2	94	0	0	0	0	0	0	0	0	2	94
GRAPHIC COMMUNICATION UNION	2	80	2	80	0	0	0	0	0	0	0	0
HOTEL EMPLOYEES	7	325	7	325	0	0	0	0	0	0	0	0
INTERNATIONAL OPERATING ENGINEERS	1	3	1	3	0	0	0	0	0	0	0	0
IWA - CANADA	8	213	7	206	0	0	0	0	0	0	1	7
LABOURERS	27	1,877	26	1,834	0	0	0	0	0	0	1	43
MACHINISTS	5	576	4	519	0	0	0	0	0	0	1	57
NEWSPAPER GUILD	3	149	2	59	1	90	0	0	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	1	7	1	7	0	0	0	0	0	0	0	0
ONTARIO NURSES ASSOCIATION	6	171	0	0	0	0	6	171	0	0	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	22	3,314	17	2,929	0	0	3	58	0	0	2	327
ONTARIO SECONDARY SCHOOL TEACHERS	3	342	1	34	0	0	1	20	0	0	1	288
PAINTERS	3	16	3	16	0	0	0	0	0	0	0	0
PLUMBERS	7	26	7	26	0	0	0	0	0	0	0	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	12	1	12	0	0	0	0	0	0	0	0
SERVICE EMPLOYEES INTERNATIONAL	24	1,406	19	1,085	0	0	2	23	0	0	3	298
SHEET METAL WORKERS	4	25	4	25	0	0	0	0	0	0	0	0
TEAMSTERS	22	588	13	401	0	0	1	8	1	3	7	176
THEATRICAL STAGE EMPLOYEES	1	20	1	20	0	0	0	0	0	0	0	0
UNITED STEELWORKERS	19	3,714	16	2,338	0	0	0	0	0	0	3	1,376
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	16	2,077	12	437	0	0	1	70	0	0	3	1,570

Table 16

*CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN NOVEMBER 10, 1995 AND JUNE 30, 2000

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Industrial	111	1,593	156	77	53	29	22	40	13	70	2,164
Construction	12	208	216	121	40	24	11	22	3	49	706
Total	123	1,801	372	198	93	53	33	62	16	119	2,870

Percentage of Cases
Number of Days between Application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
Industrial	5.13	73.61	7.21	3.56	2.45	1.34	1.02	1.85	0.60	3.23
Construction	1.70	29.46	30.59	17.14	5.67	3.40	1.56	3.12	0.42	6.94

Summary
Percentages of votes held within

	5 days or less	7 days or less	10 days or less
Industrial	78.74	89.51	94.32
Construction	31.16	78.89	89.52

*Excludes transitional cases

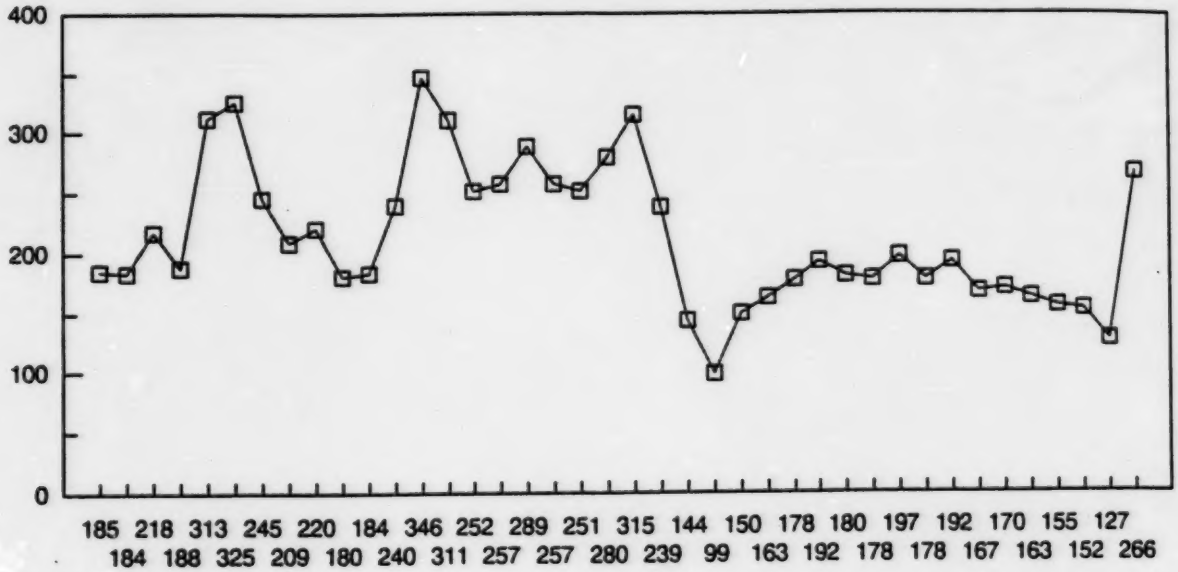
Table 17

NEW CERTIFICATION APPLICATIONS RECEIVED
By Quarter, April 1, 1990 to March 31, 2000

Fiscal Year	1st.	2nd.	3rd.	4th.	TOTAL
90/91	185	184	218	188	775
91/92	313	325	245	209	1092
92/93	220	180	184	240	824
93/94	346	311	252	257	1166
94/95	289	257	251	280	1077
95/96	315	239	144	99	797
96/97	150	163	178	192	683
97/98	180	178	197	178	733
98/99	192	167	170	163	692
99/00	155	152	127	266	700
TOTAL	2345	2156	1966	2072	8539

New Certification Applications Received

By Quarter, April 1, 1990 to March 31, 2000



185	218	313	245	220	184	346	252	289	251	315	144	150	178	180	197	192	170	155	127
184	188	325	209	180	240	311	257	257	280	239	99	163	192	178	178	167	163	152	266

Table 18

*TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN NOVEMBER 10, 1995 AND JUNE 30, 2000

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Number of Cases	8	42	38	82	96	32	22	51	16	36	423

Percentage of Cases
Number of Days between Application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
Percentage of Cases	1.89	9.93	8.98	19.39	22.69	7.57	5.20	12.06	3.78	8.51

Summary
Percentages of votes held within

	5 days or less	7 days or less	10 days or less
Percentage of Cases	11.82	40.19	75.65

***Excludes transitional cases**

Table 19

NEW TERMINATION APPLICATIONS RECEIVED
By Quarter, April 1, 1990 to March 31, 2000

Fiscal Year	1st.	2nd.	3rd.	4th.	TOTAL
90/91	49	23	29	28	129
91/92	21	32	31	49	133
92/93	60	24	21	17	122
93/94	30	25	29	26	110
94/95	30	26	36	53	145
95/96	62	24	70	95	251
96/97	36	56	67	33	192
97/98	39	34	38	57	168
98/99	60	25	44	34	163
99/00	36	23	28	27	114
TOTAL	423	292	393	419	1527

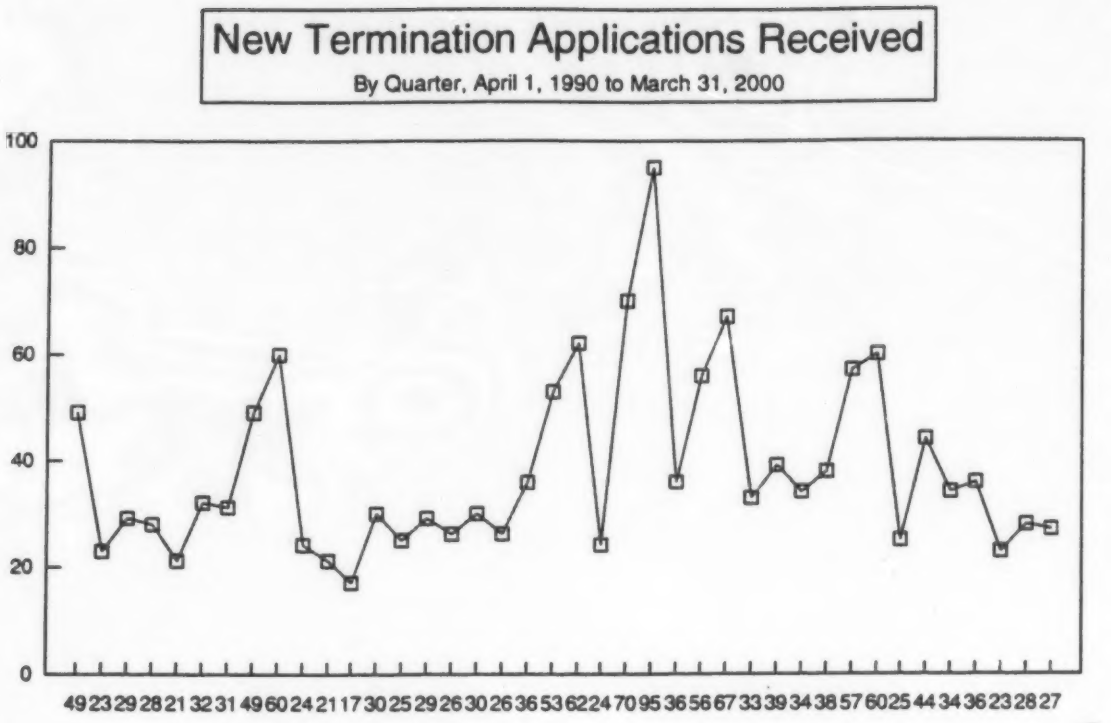

New Termination Applications Received
By Quarter, April 1, 1990 to March 31, 2000
100
80
60
40
20
0
49 23 29 28 21 32 31 49 60 24 21 17 30 25 29 26 30 26 36 53 62 24 70 95 36 56 67 33 39 34 38 57 60 25 44 34 36 23 28 27

Table 20

NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED
By Quarter, April 1, 1990 to March 31, 2000

Fiscal Year	1st.	2nd.	3rd.	4th.	TOTAL
90/91	256	209	229	291	985
91/92	264	222	246	254	986
92/93	246	232	233	246	957
93/94	270	211	249	322	1052
94/95	286	296	307	327	1216
95/96	342	312	267	234	1155
96/97	326	260	269	304	1159
97/98	328	353	316	422	1419
98/99	331	326	274	302	1233
99/00	305	284	268	273	1130
TOTAL	2954	2705	2658	2975	11292

New Unfair Labour Practice Applications Received

By Quarter, April 1, 1990 to March 31, 2000

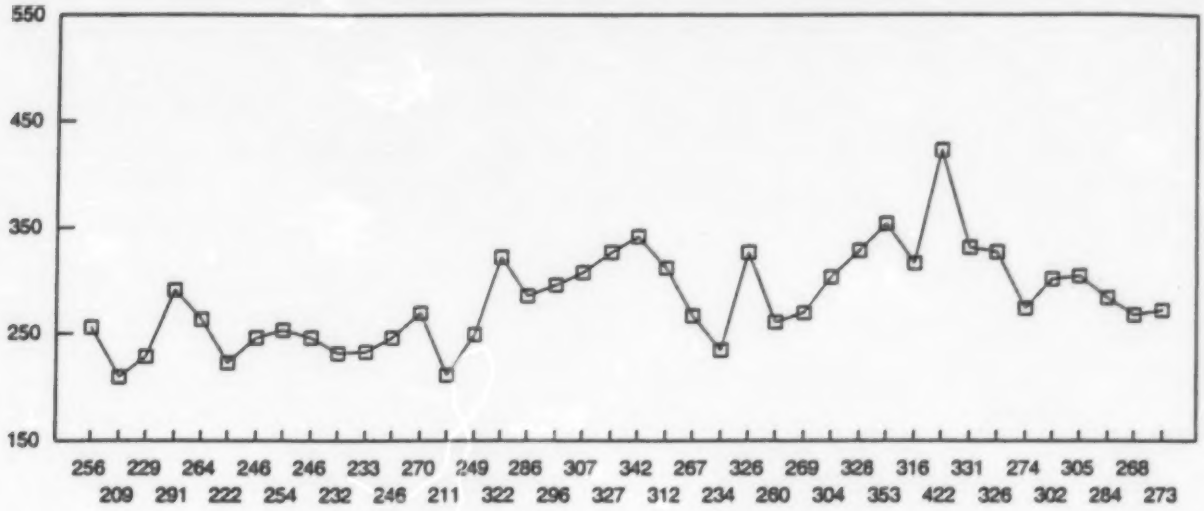
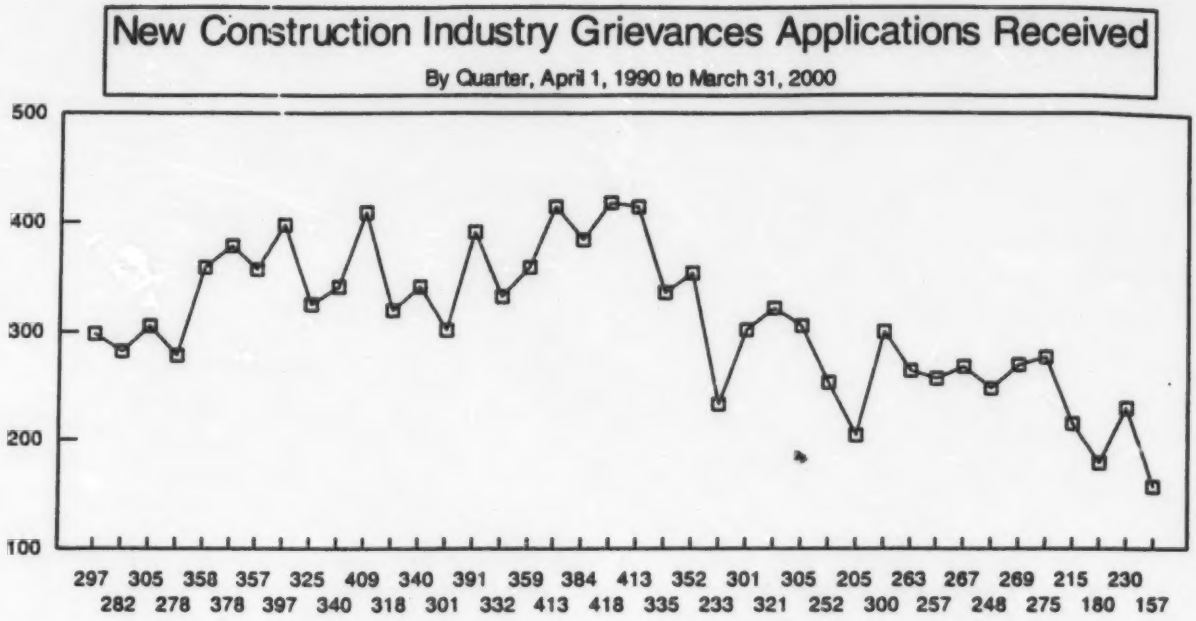


Table 21

NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED
By Quarter, April 1, 1990 to March 31, 2000

Fiscal Year	1st.	2nd.	3rd.	4th.	TOTAL
90/91	297	282	305	278	1162
91/92	358	378	357	397	1490
92/93	325	340	409	318	1392
93/94	340	301	391	332	1364
94/95	359	413	384	418	1574
95/96	413	335	352	233	1333
96/97	301	321	305	252	1179
97/98	205	300	263	257	1025
98/99	267	248	269	275	1059
99/00	215	180	230	157	782
TOTAL	3080	3098	3265	2917	12360


New Construction Industry Grievances Applications Received
By Quarter, April 1, 1990 to March 31, 2000
500
400
300
200
100
297 305 358 357 325 409 340 391 359 384 413 352 301 305 205 263 267 269 215 230
282 278 378 397 340 318 301 332 413 418 335 233 321 252 300 257 248 275 180 157